DOCUMENT RESUME

ED 349 738 EC 301 483

TITLE	Education of the Deaf Act Amendments of 1992 (To Accompany H.R. 5483). House of Representatives, 102d Congress, 2d Session.
INSTITUTION	Congress of the U.S., Washington, D.C. House Committee on Education and Labor.
REPORT NO	House-R-102-818
PUB DATE	10 Aug 92
NOTE	62p.; Report submitted by Representative Forel (Michigan) from the House Committee on Education and Labor. Print is small in parts.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC03 Plus Postage.
DESCRIPTORS	Accountability; Costs; *Deafness; *Educational Legislation; Elementary Secondary Education; *Federal Legislation; *Federal Programs; Higher Education; Policy Formation; Program Administration; Program Improvement
IDENTIFIERS	Commission on Education of the Deaf; Congress 102nd; *Education of the Deaf Act Amendments 1992; Gallaudet University DC; Kendall Demonstration Elementary School DC; Model Secondary School for the Deaf DC; National Technical Institute for the Deaf

ABSTRACT

This congressional report presents amendments to the Education of the Deaf Act of 1986 and recommends the amended bill's passage. The amended bill extends the authorizations for Gallaudet University and the National Technical Institute for the Deaf (NTID). The bill repeals parts B and C of Title I, consolidating the authorities for the elementary and secondary programs (the Model Secondary School and the Kendall Demonstration School) under the authority of the Gallaudet University programs. The bill increases accountability for funds provided to Gallaudet University and the NTID and improves the administration of their programs. The bill also repeals Title III, which authorized the Commission on the Education of the Deaf, stating that the Commission's duties have been completed. The report reprints the bill as amended, describes its legislative history, offers views of the House of Representatives Committee on Education and Labor on each of the bill's sections, offers a cost estimate from the Congressional Budget Office, and provides a section-by-section analysis of the bill. (JDD)

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102D CONGRESS
2d Session | HOUSE OF REPRESENTATIVES | REPORT
102-818

EDUCATION OF THE DEAF ACT AMENDMENTS OF 1992

ED 349738

AUGUST 10, 1992.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. FORD of Michigan, from the Committee on Education and Labor, submitted the following

REPORT

[To accompany H.R. 5483]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 5483) to modify the provisions of the Education of the Deaf Act of 1986, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education of the Deaf Act Amendments of 1992".

TITLE I—AMENDMENTS TO EDUCATION OF THE DEAF ACT OF 1986

Subtitle A—Reorganization of Act

SEC. 101. REORGANIZATION.

(a) REPEALS.—The following provisions of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) are repealed:

(1) Part B and part C of title I.

(2) Title III.

(b) REDESIGNATIONS.—The Education of the Deaf Act of 1986, as amended by subsection (a) of this section, is amended—

(1) in the heading for title I, by amending the heading to read as follows:

EC 301 493

59-006

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"TITLE I—GALLAUDET UNIVERSITY; NATIONAL TECHNICAL INSTITUTE FOR THE DEAF";

(2) in the heading for part A of title I, by amending the heading to read as follows:

"PART A—GALLAUDET UNIVERSITY";

(3) by striking the heading for title II and inserting the following:

"PART B—NATIONAL TECHNICAL INSTITUTE FOR THE DEAF";

(4) by redesignating sections 201 and 202 as sections 111 and 112, respectively;

(5) by striking the heading for title IV and inserting the following:

"TITLE II—GENERAL PROVISIONS"; and

(6) by redesignating sections 401 through 411 as sections 201 through 211, respectively.

(c) CROSS-REFERENCE.—The Education of the Deaf Act of 1986, as amended by subsection (b) of this section, is amended in section 103(b)(8) by striking "section 403" and inserting "section 203".

Subtitle B—Gallaudet University

SEC. 111. BOARD OF TRUSTEES.

Section 103 of the Education of the Deaf Act of 1986 (20 U.S.C. 4303) is amended—

(1) in subsection (a)(1)(B), by striking ", who on the effective date" and all that follows through "such date,"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting after "corporation" the following: "(including the construction of buildings and other facilities)"; and

(B) in paragraph (6), by amending the paragraph to read as follows:

"(6) establish such schools, departments, and other units as the Board of Trustees deems necessary to carry out the purpose of Gallaudet University;".

SEC. 112. ESTABLISHMENT OF AUTHORITY FOR CERTAIN PROGRAMS.

Part A of title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end the following section:

"SEC. 104. ELEMENTARY AND SECONDARY EDUCATIONAL PROGRAMS.

"(a) GENERAL AUTHORITY.—(1) The Board of Trustees of Gallaudet University is authorized, in accordance with the agreement under section 105, to maintain and operate facilities to provide exemplary elementary and secondary education programs for individuals who are deaf to develop, evaluate, and disseminate innovative curricula, instructional techniques and strategies, and materials that can be used in various educational environments serving individuals who are deaf throughout the Nation. The elementary and secondary programs shall serve students with a broad spectrum of needs, including students who are lower achieving academically, who come from non-English speaking homes, who have secondary disabilities, who are members of minority groups, or who are from rural areas. These programs shall include—

"(A) the Kendall Demonstration Elementary School, to provide day facilities for elementary education for individuals who are deaf, to provide them with the vocational, independent living, and related services they need to function independently, and to prepare them for high school and other secondary study; and

"(B) the Model Secondary School for the Deaf, to provide day and residential facilities for secondary education for individuals who are deaf, to provide them with the vocational, transitional, independent living, and related services they need to function independently and to prepare them for college, other postsecondary opportunities, or the workplace.

"(2) The Model Secondary School for the Deaf may provide residential facilities for students enrolled in the school—

"(A) who live beyond a reasonable commuting distance from the school; or

"(B) for whom such residency is necessary for them to receive a free appropriate public education within the meaning of part B of the Individuals with Disabilities Education Act.

"(b) ADMINISTRATIVE REQUIREMENTS.—(1) The elementary and secondary education programs shall—

"(A) provide technical assistance and outreach throughout the Nation to meet the training and information needs of parents of infants and children who are deaf;

"(B) provide technical assistance and training to personnel for use in teaching (i) students who are deaf in various educational environments, and (ii) students who are deaf with a broad spectrum of needs as described in subsection (a); and

"(C) establish and publish priorities for research, development, and demonstration through a process that allows for public input;

"(2) To the extent possible, the elementary and secondary education programs shall provide the services required under paragraph (1) in an equitable manner, based on the national distribution of students who are deaf in educational environments as determined by the Secretary for purposes of section 618(b) of the Individuals with Disabilities Education Act. Such educational environments shall include—

"(A) regular classes;

"(B) resource rooms;

"(C) separate classes;

"(D) separate, public or private, nonresidential schools; and

"(E) separate, public or private, residential schools and homebound or hospital environments.

"(3) If a local educational agency, intermediate educational unit, or State educational agency refers a child to, or places a child in, one of the elementary or secondary education programs to meet its obligation to make available a free appropriate public education under part B of the Individuals with Disabilities Education Act, the agency or unit shall be responsible for ensuring that the special education and related services provided to the child by the education program are in accordance with part B of that Act and that the child is provided the rights and procedural safeguards under section 615 of that Act.

"(4) If the parents or guardian places a child in one of the elementary or secondary education programs, the University shall—

"(A) notify the appropriate local educational agency, intermediate educational unit, or State educational agency of that child's attendance in the programs,

"(B) work with local educational agencies, intermediate educational units, and State educational agencies, where appropriate, to ensure a smooth transfer of students to and from those programs; and

"(C) provide the child a free appropriate public education in accordance with part B of the Individuals with Disabilities Education Act and procedural safeguards in accordance with the following provisions of section 615 of such Act:

"(i) Subparagraphs (A), (C), (D), and (E) of paragraph (1) of subsection (b), and paragraph (2) of such subsection.

"(ii) Subsection (d), except the portion of paragraph (4) requiring that findings and decisions be transmitted to a State advisory panel.

"(iii) Paragraphs (1) through (3) of subsection (e). Paragraph (3) of such subsection is not applicable to decisions by the University to refuse to admit or to dismiss a child, except that, before dismissing any child, the University shall give at least 60 days notice to the child's parents and to the local educational agency in which the child resides.

"(iv) Subsection (f).".

SEC. 113. ESTABLISHMENT OF CERTAIN REQUIREMENTS.

Part A of title I of the Education of the Deaf Act of 1986, as amended by section 112 of this Act, is amended by adding at the end the following section:

"SEC. 105. AGREEMENT WITH GALLAUDET UNIVERSITY.

"(a) GENERAL AUTHORITY.—The Secretary and Gallaudet University shall establish, within 1 year after enactment of the Education of the Deaf Act Amendments of 1992, a new agreement governing the operation and national mission activities, including construction and provision of equipment, of the elementary and secondary education programs at the University. The Secretary and the University shall periodically update the agreement as determined to be necessary by the Secretary or the University.

"(b) PROVISIONS OF AGREEMENT.—The agreement shall—

"(1) provide that Federal funds appropriated for the benefit of the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf will be used only for the purposes for which appropriated and in accordance with the applicable provisions of this Act and such agreement;

"(2) provide that the University shall make an annual report, to be part of the report required under section 204, to the Secretary on the operations and national mission activities of the elementary and secondary education programs, including such other information as the Secretary may consider necessary;

"(3) provide that in the design and construction of any facilities, maximum attention will be given to innovative auditory and visual devices and installations appropriate for the educational functions of such facilities;

"(4) provide that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by Federal funds appropriated for the benefit of the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a-276a-5) commonly referred to as the Davis-Bacon Act; and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c); and

"(5) include such other conditions as the Secretary or the University considers necessary to carry out the purposes of this part.".

Subtitle C—National Technical Institute for the Deaf

SEC. 121. AGREEMENT FOR NTID.

Section 112 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(4) of this Act, is amended—

(1) in subsection (a)—

(A) by striking ".—The Secretary" and inserting ".—(1) The Secretary"; and

(B) by adding at the end the following paragraph:

"(2) The Secretary, and the institution of higher education with which the Secretary has an agreement under this section, shall, within 1 year after the enactment of the Education of the Deaf Act Amendments of 1992, assess the need for modification of the agreement. The Secretary and the institution of higher education with which the Secretary has an agreement under this section shall also periodically update the agreement as determined to be necessary by the Secretary or the institution."; and

(2) in subsection (b)(3), by striking "will make" and all that follows through "the Congress" and inserting the following: "will prepare and submit to the Secretary an annual report, including an accounting of all indirect costs paid to the institution of higher education under the agreement with the Secretary, which report the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate,".

Subtitle D—General Provisions

SEC. 131. DEFINITIONS.

Section 201 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(6) of this Act, is amended—

(1) by striking paragraph (1) and inserting the following paragraph:

"(1) The term 'international student' means an individual who—

"(A) is not a citizen or national of, or lawfully admitted for permanent residence in, the United States;

"(B) does not provide evidence from the Immigration and Naturalization Service that he or she is in the United States for other than temporary purposes with the intention of becoming a citizen of, or lawfully admitted for permanent residence in, the United States; or

"(C) is not lawfully admitted for permanent residence in American Samoa, Guam, Palau (but only until the Compact of Free Association with Palau takes effect), the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, or the Virgin Islands.";

(2)(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively;

(3) in paragraph (7) (as redesignated by paragraphs (2) of this section), by striking "the Northern" and all that follows and inserting the following: "the Commonwealth of the Northern Mariana Islands, and Palau (but only until the Compact of Free Association with Palau takes effect)."; and

(4) by adding at the end the following paragraphs:

"(8) The term 'NTID' means the National Technical Institute for the Deaf.

"(9) The term 'University' means Gallaudet University.".

SEC. 132. GIFTS.

Section 202 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(6) of this Act, is amended to read as follows:

"SEC. 202. GIFTS.

"The University and NTID are authorized to receive by gift, devise, bequest, purchase, or otherwise, property, both real and personal, for the use of the University or NTID, or for the use, as appropriate, for any programs, departments, or other units as may be designated in the conveyance or will, and to hold, invest, use, or dispose of such property for the purpose stated in the conveyance or will.".

SEC. 133. AUDIT.

Section 203 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(6) of this Act, is amended by adding at the end the following subsection:

"(c) LIMITATIONS REGARDING EXPENDITURE OF FUNDS.—

"(1) IN GENERAL.—No funds appropriated under this Act for Gallaudet University, including the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf, or for the National Technical Institute for the Deaf may be expended on the following:

"(A) Alcoholic beverages.

"(B) Goods or services for personal use.

"(C) Housing and personal living expenses (but only to the extent such expenses are not required by written employment agreement).

"(D) Lobbying.

"(E) Membership in country clubs and social or dining clubs and organizations.

"(2) POLICIES.—

"(A) Not later than 180 days after the date of the enactment of the Education of the Deaf Act Amendments of 1992, the University and NTID shall develop policies, to be applied uniformly, for the allowability of expenditures for each institution. These policies should reflect the unique nature of these institutions. The principles established by the Office of Management and Budget for costs of educational institutions may be used as guidance in developing these policies. General principles relating to allowability and reasonableness of all costs associated with the operations of the institutions shall be addressed. These policies shall be submitted to the Secretary for review and comments, and to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(B) Policies under subparagraph (A) shall include the following:

"(i) Noninstitutional professional activities.

"(ii) Fringe benefits.

"(iii) Interest on loans.

"(iv) Rental cost of buildings and equipment.

"(v) Sabbatical leave.

"(vi) Severance pay.

"(vii) Travel.

"(viii) Royalties and other costs for uses of patents.".

SEC. 134. REPORTS.

Section 204 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(6) of this Act, is amended to read as follows:

"SEC. 204. REPORTS.

"The Board of Trustees of Gallaudet University and the Board of Trustees or other governing body of the institution of higher education with which the Secretary has an agreement under section 112 shall prepare and submit an annual report to the Secretary, and to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate,

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not later than 100 days after the end of each fiscal year, which shall include the following:

"(1) The number of students during the preceding academic year who enrolled and whether these were first time enrollments, who graduated, who found employment, or who left without completing a program of study, reported under each of the programs of the University (elementary, secondary, preparatory, undergraduate, and graduate) and of NTID.

"(2) For the preceding academic year, and to the extent possible, the following data on individuals who are deaf and from minority backgrounds and who are students (at all educational levels) or employees:

"(A) The number of students enrolled full and part-time.

"(B) The number of these students who completed or graduated from each of the educational programs.

"(C) The disposition of these students upon graduation/completion of programs at NTID and at the University and its elementary and secondary schools in comparison to students from non-minority backgrounds.

"(D) The number of students needing and receiving support services (such as tutoring and counseling) at all educational levels.

"(E) The number of recruitment activities by type and location for all educational levels.

"(F) Employment openings/vacancies and grade level/type of job and number of these individuals that applied and that were hired.

"(G) Strategies (such as parent groups and training classes in the development of Individualized Education Programs) used by the elementary and secondary programs and the extension centers to reach and actively involve minority parents in the educational programs of their children who are deaf and the number of parents who have been served as a result of these activities.

"(3) The annual audited financial statements of the University and NTID, respectively, together with the auditor's report.

"(4) For the preceding fiscal year, a statement showing the receipts of the University and NTID and from what Federal sources, and a statement showing the expenditures of each institution by function, activity, and administrative and academic unit.

"(5) A statement showing the use of funds (both corpus and income) provided by the Federal Endowment Program under section 207.

"(6) A statement showing how such Endowment Program is invested, what the gains or losses (both realized and unrealized) on such investments were for the most recent fiscal year, and what changes were made in investments during that year.

"(7) Such additional information as the Secretary may consider necessary.".

SEC. 135. MONITORING AND EVALUATION.

Section 205 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(6) of this Act, is amended to read as follows:

"SEC. 205. MONITORING AND EVALUATION.

"(a) ACTIVITIES.—The Secretary shall conduct monitoring and evaluation activities of the education programs and activities and the administrative operations of the University (including the elementary, secondary, preparatory, undergraduate, and graduate programs) and of NTID. The Secretary may also conduct studies related to the provision of preschool, elementary, secondary, and postsecondary education and other related services to individuals who are deaf. In carrying out the responsibilities described in this section, the Secretary is authorized to employ such consultants as may be necessary pursuant to the provisions of section 3109 of title 5, United States Code.

"(b) REPORT.—The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of the monitoring and evaluation activities pursuant to subsection (a), together with such recommendations, including recommendations for legislation, as the Secretary may consider necessary.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, 1996, and 1997 to carry out the monitoring and evaluation activities authorized under this section.".

SEC. 136. LIAISON FOR EDUCATIONAL PROGRAMS.

Section 206 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(6) of this Act, is amended—

(1) in subsection (a), by striking "and the Rehabilitation Act of 1973." and inserting the following: ", the Rehabilitation Act of 1973, and other Federal or non-Federal agencies, institutions, or organizations involved with the education or rehabilitation of individuals who are deaf."; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following paragraph:

"(2) review research and other activities carried out by the University, NTID, and other Federal or non-Federal agencies, institutions, or organizations involved with the education or rehabilitation of individuals who are deaf for the purpose of determining overlap and opportunities for coordination among such entities; and".

SEC. 137. FEDERAL ENDOWMENT PROGRAMS.

The Education of the Deaf Act of 1986, as amended by section 101(b)(6) of this Act, is amended—

(1) by striking sections 207 and 208; and

(2) by inserting after section 206 the following section:

"SEC. 207. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

"(a) ESTABLISHMENT OF PROGRAMS.—

"(1) The Secretary and the Board of Trustees of Gallaudet University are authorized to establish the Gallaudet University Federal Endowment Fund, in accordance with this section, for the purpose of promoting the financial independence of the University. The Secretary and the Board of Trustees may enter into such agreements as may be necessary to carry out the purposes of this section with respect to the University.

"(2) The Secretary and the Board of Trustees or other governing body of the institution of higher education with which the Secretary has an agreement under section 112 are authorized to establish the National Technical Institute for the Deaf Federal Endowment Fund in accordance with the provisions of this section for the purpose of promoting the financial independence of NTID. The Secretary and the Board or other governing body may enter into such agreements as may be necessary to carry out the purposes of this section with respect to NTID.

"(b) FEDERAL PAYMENTS.—

"(1) The Secretary, consistent with this section, shall make payments to each endowment fund from amounts appropriated under subsection (g) for the fund involved.

"(2) Subject to the availability of appropriations and the non-Federal matching requirements of paragraph (3), the Secretary shall make payments to each endowment fund in amounts equal to sums contributed to the fund from non-Federal sources (excluding transfers from other endowment funds of the institution involved).

"(3) Effective for fiscal year 1993 and each succeeding fiscal year, for any fiscal year in which the sums contributed to an endowment fund from non-Federal sources exceed $1,000,000, the non-Federal contribution to the endowment fund shall be $2 for each Federal dollar provided in excess of $1,000,000 (excluding transfers from other endowment funds of the institution involved).

"(c) INVESTMENTS.—

"(1) The University and NTID, respectively, in investing the corpus and income of its endowment fund, shall exercise the judgment and care, under the prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

"(2) The corpus and income of each endowment fund shall be invested in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, or other low-risk instruments and securities in which a regulated insurance company may invest under the laws of the District of Columbia. The corpus and income of an endowment fund may not be invested in real estate.

"(3) Neither the University nor NTID may invest the corpus or income of its endowment fund in instruments or securities issued by an organization in which an executive officer is a controlling shareholder, director, or owner

within the meaning of Federal securities laws and other applicable laws. Neither the University nor NTID may assign, hypothecate, encumber, or create a lien on the endowment fund corpus without specific written authorization of the Secretary.

"(d) WITHDRAWALS AND EXPENDITURES.—

"(1) For the twenty-year period beginning on August 4, 1986, neither the University nor NTID may withdraw or expend any of the corpus of its endowment fund.

"(2)(A) The University and NTID, respectively, may withdraw or expend the income of its endowment fund for any expenses necessary to the operation of the University or NTID, respectively, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research.

"(B) Neither the University nor NTID may withdraw or expend the income of its endowment fund for any commercial purpose.

"(3)(A) Except as provided in subparagraph (B), neither the University nor NTID may, in the aggregate, withdraw or expend more than 50 percent of the total aggregate income of its endowment fund income earned prior to the time of withdrawal or expenditure.

"(B) The Secretary may permit the University or NTID, as the case may be, to withdraw or expend more than 50 percent of the total aggregate income of its endowment fund whenever the institution involved demonstrates that such withdrawal or expenditure is necessary because of—

"(i) a financial emergency, such as a pending insolvency or temporary liquidity problem;

"(ii) a life-threatening situation occasioned by natural disaster or arson; or

"(iii) another unusual occurrence or exigent circumstance.

"(e) RECOVERY OF PAYMENTS.—After notice and an opportunity for a hearing, the Secretary is authorized to recover any Federal payments under this section if the University or NTID, as the case may be—

"(1) makes a withdrawal or expenditure of the corpus or income of its endowment fund that is not consistent with this section;

"(2) fails to comply with the investment standards and limitations under this section; or

"(3) fails to account properly to the Secretary concerning the investment of or expenditures from the endowment fund corpus or income.

"(f) DEFINITIONS.—As used in this section:

"(1) The term 'endowment fund' means a fund, or a tax-exempt foundation, established and maintained pursuant to this section by the University or NTID, as the case may be, for the purpose of generating income for the support of the institution involved.

"(2) The term 'corpus', with respect to an endowment fund, means an amount equal to the Federal payments to the endowment fund and amounts contributed to the fund from non-Federal sources.

"(3) The term 'income', with respect to an endowment fund, means an amount equal to the total market value of the endowment fund minus the corpus of the endowment fund.

"(4) The term 'institution involved' means the University or NTID, as the case may be.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) In the case of the University, there are authorized to be appropriated for the purposes of this section such sums as may be necessary for each of the fiscal years 1993 through 1997.

"(2) In the case of NTID, there are authorized to be appropriated for the purposes of this section such sums as may be necessary for each of the fiscal years 1993 through 1997.

"(3) Amounts appropriated under paragraph (1) or (2) shall remain available until expended.".

SEC. 138. SCHOLARSHIP PROGRAM.

The Education of the Deaf Act of 1986, as amended by section 137 of this Act, is amended by inserting after section 207 the following section:

"SEC. 208. SCHOLARSHIP PROGRAM.

"(a) IN GENERAL.—The Secretary may make grants to institutions of higher education that have teacher training programs in deaf education or special education for

the purpose of providing scholarships to individuals who are deaf for careers in deaf education or special education. Such institutions shall give priority consideration in the selection of qualified recipients of the scholarships to individuals from underrepresented backgrounds, particularly minority individuals who are deaf and who are underrepresented in the teaching profession. Grants may be used by institutions to assist in covering the cost of courses of training or study for such individuals and for establishing and maintaining fellowships or traineeships with stipends and allowances as may be determined by the Secretary.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $2,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.".

SEC. 139. INTERNATIONAL STUDENTS.

The Education of the Deaf Act of 1986, as amended by section 101(b)(6) of this Act, is amended by striking section 210 and inserting the following section:

"SEC. 210. INTERNATIONAL STUDENTS.

"(a) ENROLLMENT.—Effective with new admissions for academic year 1993–1994 and each succeeding academic year, the University (including preparatory, undergraduate, and graduate students) and NTID shall limit the enrollment of international students to approximately 10 percent of the total postsecondary student population enrolled respectively at the University or NTID.

"(b) TUITION SURCHARGE.—Effective with new admissions, the tuition for postsecondary international students enrolled in the University (including preparatory, undergraduate, and graduate students) or NTID shall include a surcharge of 71 percent for academic year 1993–1994, 92 percent for academic year 1994–1995, 113 percent for academic year 1995–1996, and 135 percent for academic year 1996–1997.".

SEC. 140. AUTHORIZATION OF APPROPRIATIONS.

Section 211 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(6) of this Act, is amended—

(1) in subsection (a)—

(A) in the matter preceding subparagraph (A), by striking "fiscal years" and all that follows through "1991" and inserting "fiscal years 1993 through 1997";

(B) in subparagraph (B), by striking "part B of title I, relating to"; and

(C) in subparagraph (C), by striking "part C of title I, relating to";

(2) in subsection (b), by striking "fiscal years" and all that follows through "relating to" and inserting the following: "fiscal years 1993 through 1997 to carry out the provisions of this Act relating to"; and

(3) by striking subsection (c).

Subtitle E—Technical Amendments

SEC. 151. TECHNICAL AMENDMENTS.

(a) TERMINOLOGY.—The Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended—

(1) by striking "deaf individuals" each place such term appears and inserting "individuals who are deaf";

(2) by striking "deaf people" each place such term appears and inserting "individuals who are deaf";

(3) by striking "deaf children" each place such term appears and inserting "children who are deaf";

(4) by striking "the deaf" each place such term appears and inserting "individuals who are deaf"; and

(5) in section 206 (as redesignated by section 101(b)(6) of this Act), in the heading for the section, by striking "**FOR THE DEAF**".

(b) OTHER AMENDMENTS.—Section 201 of the Education of the Deaf Act of 1986, as redesignated by section 101(b)(6) of this Act and amended by subsection (a) of this section, is amended—

(1) in paragraph (2), by striking "thereof" and inserting "therein";

(2) in paragraph (3), by inserting "or hard-of-hearing" after "children who are deaf"; and

(3) in paragraph (4) (as redesignated by section 131(2)(B) of this Act)—

(A) in the first sentence, in each of subparagraphs (A) through (E), by striking the last comma and inserting a semicolon; and

(B) in the second sentence, by striking "clause" and inserting "subparagraph".

Subtitle F—Effective Dates

SEC. 161. EFFECTIVE DATES.

The amendments described in this title are made upon October 1, 1992, and take effect upon such date.

TITLE II—PROVISIONS REGARDING OTHER ACTS

Subtitle A—Individuals with Disabilities Education Act

SEC. 201. POSTSECONDARY EDUCATION.

(a) IN GENERAL.—Section 625(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1424a(a)) is amended—

(1) in paragraph (2), by striking "to 4 regional centers for the deaf and";

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(3) by inserting after paragraph (2) the following paragraph:

"(3)(A) In making grants or contracts on a competitive basis under paragraph (1), the Secretary shall give priority consideration to funding 4 or more applications from consortia or partnerships of the types of entities described in paragraph (1) for the purpose of creating model demonstration programs either involving one or more States or in high density population areas, each of which provides a range of postsecondary education options for individuals who are deaf or hard-of-hearing. Such funds shall be used—

"(i) to replicate existing models or to develop new models at the local, state, and regional levels;

"(ii) to supplement support services of such programs;

"(iii) to utilize new instructional technology; and

"(iv) to coordinate the provision of postsecondary education options with existing public and private community services that may address the educational, employment, remedial, transitional, and independent living skills needs of these individuals.

"(B) To meet these requirements applications shall—

"(i) describe the participating entities of the consortia, the criteria for selection of consortia members, and the range of educational options that will be provided;

"(ii) describe the supplemental support services that will be provided such as interpreters, notetakers, career placement counseling, speech and audiology;

"(iii) describe the outreach and technical assistance process to other institutions of higher education in the region or area to inform and assist such institutions in the establishment or addition of support services;

"(iv) describe an evaluation process for project activities;

"(v) describe training materials such as special curricula that will be used in outreach and technical assistance activities, and dissemination mechanisms;

"(vi) describe methods for using public and private community resources to address the educational, remedial, employment, transitional, and independent living skills needs of the population to be served;

"(vii) describe approaches for applying innovative technology that may be used for instructional or training purposes; and

"(viii) describe other current sources of financial support.

"(C) Projects funded under this paragraph shall report to the Secretary, at a minimum, the following:

"(i) The number of students by age, gender, racial or ethnic status enrolled part-time and full-time by participating institutions and by type of program.

"(ii) Number of hours and type of support services received, and the Federal cost per service per student along with total cost.

"(iii) Student outcomes, including number of students graduating, completing programs, dropping out (and reasons why), and placed into employment at graduation or when leaving school, and the number who pursued further education or training.

"(iv) The number of students from various educational settings.

"(v) Results and findings from applications of innovative technology.

"(vi) Costs per student (reflecting Federal and non-Federal contributions).

"(vii) Outreach and technical assistance provided to other institutions of higher education in the region.".

(b) FUNDING.—Section 625(a)(7) of the Individuals with Disabilities Education Act, as redesignated by subsection (a) of this section, is amended by striking "for the 4 regional centers for the deaf" and inserting the following: "for the projects serving individuals who are deaf or hard-of-hearing under paragraph (3) and for any amount appropriated over this sum for these projects, funding shall be allocated for new projects under paragraph (3)".

(c) EFFECTIVE DATES.—The amendments described in subsections (a) and (b) are made upon October 1, 1992. With respect to projects carried out with grants under section 625(a) of the Individuals with Disabilities Education Act, the following applies:

(1) Such amendments are effective for any project period approved on or after such date.

(2) For any project period approved before such date, such amendments are not effective. Such section 625(a), as in effect on the day before the date of the enactment of this Act, continues to be effective for any such project period.

SEC. 202. TRAINING PERSONNEL; EDUCATIONAL INTERPRETERS.

(a) TRAINING PERSONNEL.—Section 631(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(a)) is amended by adding at the end the following paragraph:

"(8)(A) In making grants under paragraph (1), the Secretary may make grants through a separate competition to institutions of higher education, in partnership with local educational agencies and center schools for students who are deaf, to carry out not less than 4 regional model demonstration training programs on deafness and secondary disabilities.

"(B) Such programs shall provide preservice and inservice training to teachers and school administrators, and leadership personnel, in the education of students who are deaf and to related services personnel.".

(b) EDUCATIONAL INTERPRETERS.—Section 631 of the Individuals with Disabilities Education Act (20 U.S.C. 1431) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following subsection:

"(b)(1) The Secretary may make grants to institutions of higher education, and other appropriate nonprofit agencies or organizations for the establishment or continuation of educational interpreter training programs to train personnel to effectively meet the various communication needs of elementary and secondary students who are deaf or deaf-blind. To the extent feasible, grants shall be geographically dispersed throughout the Nation in urban and rural areas.

"(2) The Secretary may make a grant under paragraph (1) only if the applicant for the grant provides an assurance that all interpreters receiving training under the grant will be provided training designed to develop skills necessary for facilitating effective communication for students who are deaf or deaf-blind.

"(3) In making grants under paragraph (1), the Secretary may provide for the training or retraining (including short-term and in-service training) of regular education teachers who are involved in providing instruction to individuals who are deaf, but who are not certified as teachers of such individuals, and other personnel who work with such individuals, on the role of educational interpreters.".

SEC. 203. RESEARCH AND RELATED ACTIVITIES.

Section 641 of the Individuals with Disabilities Education Act (20 U.S.C. 1441) is amended by adding at the end the following subsection:

"(h)(1) The Secretary may make grants to institutions of higher education, in partnership with other appropriate agencies and organizations such as local educational agencies and center schools for students who are deaf, to—

"(A) conduct research in the unique needs of children and youth, including minority children and youth, with disabilities;

"(B) develop and evaluate specialized instructional methods, materials, curricula, and technologies for use with such children and youth; and

"(C) develop and evaluate assessment techniques, instruments, and strategies used to identify, evaluate, and measure the progress of such children and youth.

"(2) Each grantee under this subsection shall provide for the meaningful involvement in its project of parents and family members and adult role models.".

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Subtitle B—Rehabilitation Act of 1973

SEC. 211. REHABILITATION ACT OF 1973.

The Secretary of Educatjon shall expand the purpose of the Rehabilitation and Training Center on Deafness/Hearing Impairment under section 202 of the Rehabilitation Act of 1973 to include a function to develop and demonstrate effective strategies in the provision of education to students who are deaf or hard of hearing and are from minority backgrounds. Activities to be performed are—

(1) the identification and synthesis of effective models and strategies that have demonstrated new approaches in the provision of education to this population;

(2) develop new models (especially those that demonstrate a collaborative effort between a nonprofit minority organization and a center school for students who are deaf), or make improvements in existing models;

(3) advance the use of existing and new models by developing preservice and inservice training programs;

(4) disseminate information on these models; and

(5) provide technical assistance to administrators and teachers both in the regular and special education settings.

Subtitle C—Effective Dates

SEC. 221. EFFECTIVE DATES.

Except as provided in section 201(c), the amendments described in this title are made upon October 1, 1992, and take effect upon such date. Section 211 takes effect upon such date.

I. Summary of the Legislation and Legislative Actions

SUMMARY

H.R. 5483, the Education of the Deaf Act Amendments of 1992, reauthorizes the Education of the Deaf Act of 1986 (hereinafter EDA) through Fiscal Year 1997 with several amendments to the Act. The bill will extend and amend the authorizations for Gallaudet University and the National Technical Institute for the Deaf (hereinafter NTID). The bill repeals Parts B and C of Title I of the EDA, consolidating the authorities for the elementary and secondary programs under that Act (the Model Secondary School and the Kendall Demonstration School) under the authority of the Gallaudet University programs.

For Fiscal Year 1992, the Federal appropriation provided approximately 73 percent of the total income for Gallaudet University and 83 percent of the total income of the NTID, not including Federal research grants, contracts, and student aid. The size of the Federal appropriation for these institutions, its significance to the institutions as a source of revenue and the importance of these programs to the education of persons who are deaf or hard-of-hearing create a clear Federal interest in the efficiency and effectiveness of the programs supported by this Act. This bill would increase accountability for funds provided to the institutions under these authorities and improve the administration of their programs. The amendments are intended to increase accountability and administrative flexibility, and improve postsecondary educational opportunities for persons who are deaf or hard-of-hearing.

The bill also repeals Title III of the EDA, which authorized the Commission on the Education of the Deaf, since the Commission's duties have been completed.

LEGISLATIVE HISTORY

H.R. 5483 was introduced on June 24, 1992 by Congressman Major Owens, the Chairman of the Select Education Subcommittee of the Committee on Education and Labor. On July 8, 1992, the Full Committee on Education and Labor held a markup on H.R. 5483, discharging the Subcommittee of further consideration of the bill and amending the bill as introduced. The Committee then ordered the bill reported by a unanimous voice vote.

II. Background and Need for the Legislation

LEGISLATIVE HISTORY

The Education of the Deaf Act of 1986 (P.L. 99-371) contains the Commission on Education of the Deaf (hereinafter COED) and the authorities establishing Gallaudet University and its two demonstration schools and the National Technical Institute for the Deaf.

The Commission was created by Congress to study the status of the full range of deaf education programs offered throughout the Country, including regional postsecondary education programs established under the Individuals with Disabilities Education Act (formerly the Education of the Handicapped Act). It was to make specific recommendations to the Congress for improvements in these efforts. This was the first time in history that a commission had been established by Congress for such a purpose. Not since 1964 when the Babbidge advisory committee was appointed by the Secretary of the Health, Education, and Welfare Department had the status of deaf education been reviewed. It was expected that the Commission would provide advice to the Congress that would be useful in shaping policies governing the future of Federal support of educational opportunities for all citizens who are deaf or hard-of-hearing. The Commission's report, The Education of the Deaf: Toward Equality, containing 52 recommendations, was submitted to Congress in 1988. It has proven invaluable to the Committee during this reauthorization.

The authorities for the two institutions and the demonstration schools (Kendall Demonstration Elementary School and the Model Secondary School for the Deaf) were formerly contained in separate statutes. In 1986 these authorities were consolidated within the Education of the Deaf Act. This bill represents the first reauthorization of this Act.

HEARINGS AND TESTIMONY

The Subcommittee on Select Education held hearings on February 25, March 10, March 27, and May 11, 1992 to consider the reauthorization of the Education of the Deaf Act.

Testifying at the February 25, 1992 hearing in Washington, D.C. were: Dr. Robert Davila, Assistant Secretary of the Office of Special Education and Rehabilitative Services, U.S. Department of Education; Dr. Frank Bowe, Past Chairperson of the Commission on Education of the Deaf, Hofstra University, Hempstead, New York; Dr. I. King Jordan, President, Gallaudet University, Washington, D.C.; Dr. William Castle, Director, National Technical Institute for the Deaf, Rochester, New York; Dr. Rosalyn Rosen, Presi-

dent, National Association of the Deaf, Silver Spring, Maryland; Mr. Jeff Cohen, President, American Society for Deaf Children, Washington, D.C.; Mrs. Virginia Stern, Chairperson, Parent Section of the Alexander Graham Bell Association for the Deaf; Ms. Pam Beck, President, National Cued Speech Association, Shaker Heights, Ohio; Dr. Donna Dickman, Co-Chairperson, Council of Organizational Representatives, Washington, D.C.; and Dr. John George, National Association of State Directors of Special Education, Alexandria, Virginia, accompanied by Dr. Doin Hicks, Conference of Educational Administrators Serving the Deaf, Washington, D.C.

On March 10, 1992, in Washington, D.C., the Subcommittee heard testimony from the following witnesses: Mr. Carl Moore, National Black Deaf Advocates, Inc., Rochester, New York; Mr. Angel Ramos, National Association of Deaf Hispanics, Rowlett, Texas; Mr. Roderick J. MacDonald, President, American Association of Deaf-Blind, Silver Spring, Maryland; Dr. Judith Johnson, Department of Education, Gallaudet University, Washington, D.C.; Mr. Steven Sligar, Director, Georgia Sensory Rehabilitation Center, College Park, Georgia; Dr. James Snow, Jr., Director, National Institute on Deafness and Other Communication Disorders, Bethesda, Maryland; Mr. Michael Karchmer, Director, Gallaudet Research Institute, Gallaudet University, Washington, D.C.; Dr. Richard Stoker, Central Institute for the Deaf, St. Louis, Missouri; Dr. Donald Moores, Director, Center for Studies in Education and Human Development, Gallaudet University, Washington, D.C.; and Dr. Judith Harkins, Director, Technology Assessment Program, Gallaudet University, Washington, D.C.

At a hearing held on March 27, 1992, at the North Carolina School for the Deaf, in Morganton, North Carolina the following witnesses testified: Dr. Frank R. Turk, Director, Division of Services for the Deaf and Hard of Hearing, Raleigh, North Carolina; Mr. Richard E. Lemke, Principal, Durham County Hospital School, Duke University Medical Center, Durham, North Carolina; Dr. Kathleena M. Whitesell, Professor, Lenoir Rhyne College, Morganton, North Carolina; Ms. Sharon Kay Crawford Hovinga, Senior Board Member, National Association of the Deaf, Morganton, North Carolina; Ms. Hope Turpin, Student at the North Carolina School for the Deaf in Morganton, North Carolina; Ms. Jamie Marshall, Student at the North Carolina School for the Deaf in Morganton, North Carolina; Ms. Michelle Atkinson, Senior and Student Teacher in the Lenoir Rhyne College Education of the Hearing Impaired Program, Hickory, North Carolina; Ms. Sally Waltz, Student at Lenoir Rhyne College, Morganton, North Carolina; and Ms. Melanie Hanchey, Hearing Impaired Student at Southern High School, Durham, North Carolina.

Testifying at the May 11, 1992 hearing held at the Phoenix Public Library in Phoenix, Arizona were: Ray S. Parks, Jr., Chairman of D.E.A.F, Deaf Network; and Dr. Shirin D. Antia, Associate Professor, University of Arizona, Director, Teacher Education Program in Deafness, University of Arizona.

III. Explanation of the Bill and Committee Views

GALLAUDET UNIVERSITY

Elementary and secondary educational programs

Concern over the operation and cost of the two precollegiate schools operated by the Gallaudet University (hereinafter Gallaudet) prompted an audit by the General Accounting Office (GAO) in 1987. Its review of Gallaudet's Precollege national mission activities (research, development and evaluation of teacher guides and other educational materials, and dissemination of these products and technical assistance to educators) revealed the following: (1) the proportion of the Precollege budget being spent to carry out national mission activities, as opposed to operating the Kendall Demonstration Elementary School (KDES) and Model Secondary School for the Deaf (MSSD), could not be determined from Gallaudet's accounting system, and (2) Gallaudet was estimating the cost of specific Precollege research because the actual costs of individual projects had not been documented. Record keeping on individual research projects was sporadic, and there was no evidence that projects were being monitored. In its report, Deaf Education: The National Mission of Gallaudet's Elementary and Secondary Schools, GAO offered the following recommendations: (1) the establishment of a system to account for expenditures according to the major functions (school operations or national mission activities) of the Precollege Programs, and to more accurately reflect research costs for individual projects, and (2) development of written policies and procedures for approving and monitoring research projects dealing with the Precollege population. It is the Committee's understanding that both recommendations have been implemented and data on expenditures for school operations and national mission should be available very soon. The Committee would encourage the Department of Education and the Appropriations Committee to utilize this information in their budget determinations.

The bill includes several changes to the authorities for KDES and MSSD to ensure the continued effectiveness of these programs. The bill combines the authority for the elementary and secondary education programs and, in part, consolidates current requirements for both KDES and MSSD to ensure consistent application of requirements to both schools. The Committee recognizes that the separate authorities for MSSD and KDES are a result of history, not function. These changes will provide greater flexibility to the University in the use of personnel and other resources; decrease bookkeeping and other administrative burdens; and facilitate better coordination between the two schools, resulting in a smoother transition of students from the elementary to the secondary school.

The Committee has maintained the basic mission of the two schools, but has placed an emphasis on the development of innovative teaching and learning techniques, to be used in a variety of environments in serving students who are deaf with a broad spectrum of needs. These are to include students who have secondary disabilities, are lower achieving academically, are from non-English speaking homes, are members of minority groups, or who are from rural areas. The Committee recognizes that these students require

an educational program that responds to their individual learning and communication needs. Such a program may include, but not be limited to, American Sign Language, other sign systems, assistive listening and augmentative technology and services, auditory/oral learning, or a combination of approaches.

Section 104 of the bill clarifies the circumstances under which room and board can be provided to elementary or secondary school students. The Committee believes that there are more than a sufficient number of eligible students living within the Washington, D.C. metropolitan area for Gallaudet to conduct its elementary level demonstration program without providing boarding facilities. As a national demonstration program, MSSD provides residential placements for out-of-State students. The bill further clarifies that the use of residential facilities at MSSD will be limited to students who live beyond a reasonable commuting distance or for whom residency is necessary to provide a free appropriate public education within the meaning of Part B of the Individuals with Disabilities Education Act (IDEA), as determined during the individualized education program development process.

The Committee has expanded the general authority for MSSD to include students preparing for postsecondary opportunities other than college and advanced study. This expansion is in keeping with the purpose of the school—to act as a model for educating students with a variety of needs—and is based on testimony presented to the Commission on Education of the Deaf (COED) about the need for MSSD to serve, and produce materials that would be relevant for, a wide range of students (not just those who are college-bound).

Section 104 requires the elementary and secondary education programs to establish and publish priorities for research, development and demonstration through a process that allows for public input. COED and a number of witnesses testifying before the Subcommittee were critical of the current process for determining research priorities, stating that it was unresponsive to the deaf education community. The Committee notes that Gallaudet's intention of reinstating an advisory committee for the purpose of identifying research needs is a positive step forward, and coupled with the new provision in the bill, should ensure that research and development conducted at the schools is responsive to the needs of the field.

The Committee recognizes the past efforts of the extension centers and the outreach office of the model demonstration schools to meet the needs of parents. It encourages the continuance of their coordination with national and local parent organizations throughout the country who are representative of the many viewpoints along the continuum of services. However, the Committee is concerned that many parents of deaf children are not receiving information about available services and options, and their rights under IDEA. Under this section, both schools will be required to provide technical assistance and outreach to meet the training and information needs of parents. The training aspect has been broadened beyond the current scope of "specialized learning skills" in order to address a more diverse spectrum of needs.

Annual data collected by the Office of Special Education Programs (OSEP) in the Department of Education indicate that the majority of children who are deaf are currently in some type of

mainstream placement. GAO's Deaf Education report, however, found that the majority of training and technical assistance provided by the Precollege Programs was targeted toward residential schools. The Committee has added a provision which requires the elementary and secondary education programs to provide outreach and technical assistance in an equitable manner, to the extent possible, based on the distribution of students who are deaf in each of five types of educational environments (the same as, or a combination of, those used for reporting purposes under Section 618(b) of IDEA): regular classes, resource rooms, separate classes, separate public or private non-residential schools, and separate public or private residential schools and in home-bound or hospital environments. The Committee intends that this language be used by the Department in its monitoring activities.

The section also delineates the responsibilities of local educational agencies (LEAs), intermediate educational units (IEUs), or State educational agencies (SEAs) in providing the rights and procedural safeguards specified in section 615 of IDEA when they refer a child to, or place a child in, the elementary and secondary education programs at Gallaudet University. It further charges Gallaudet to provide certain protections under Section 615 to children who are placed by their parents in KDES or MSSD. The Committee considers these provisions to be among the most critical of the bill.

For purposes of this section, Gallaudet University will be required to provide procedural safeguards under Section 615, Part B of IDEA as if it were an LEA or SEA. The Committee strongly feels that the University, as a Federally-funded entity, should be held responsible for assuring that all the rights and protections under IDEA are guaranteed. In that respect, the University is required to give at least 60 days notice to the parents and the LEA before dismissing a child, in order to afford them an opportunity to request a hearing or arrange for an appropriate placement. All parents or guardians must be aware of their rights when placing a child in Gallaudet's elementary and secondary programs. Therefore the Committee directs Gallaudet University to inform parents and guardians within 30 days of the enactment of this legislation (and to periodically provide updated information to them) regarding the policies and procedures developed to implement the provisions under this section. Further, the Committee directs the Department to conduct site visits to Gallaudet one year after the enactment of this bill to determine compliance with this section.

In order to ensure a smooth transfer of students between Gallaudet and LEA programs, the bill also requires the elementary and secondary education programs at Gallaudet to notify the appropriate LEA of each child's attendance in its programs and, where appropriate, to work with LEAs, IEUs, and SEAs. Currently, if a child is directly enrolled by his or her parent at KDES or MSSD, the local school districts are often unaware of the placement. The regulations for IDEA require that every LEA ensure the identification, location, and evaluation (including a practical method of determining which children are currently receiving needed special education and related services and which children are not receiving these services) of all children who are disabled and are in need of special education and related services and who reside within the

jurisdiction of that agency. Contact is not consistently maintained between LEAs and Gallaudet's elementary and secondary school programs. In some cases, parents choose to move their children back to the local school district after a period. However, the LEA does not have sufficient notice to develop an appropriate placement for the child. This situation has made it difficult for some school districts to track students for the purposes of IDEA, assess the needs of the hearing-impaired population in their jurisdictions, and plan for children who may later return to their district. This provision of Section 104 will ensure that local school districts are aware of the number of children in their area who are deaf in order to track them and prepare to serve them, if necessary.

Agreement with Gallaudet University

Section 105 requires that not later than one year after the enactment of this bill, the Secretary of Education and Gallaudet University will establish an agreement governing operations (including construction and equipment) and national mission activities of the elementary and secondary education programs at the University. Thus, the agreement would encompass both KDES and MSSD and provide for consistency in the statutory provisions governing the administration of the two schools. The agreement shall be periodically updated as determined necessary by the Secretary or the University.

This section deletes certain statutory provisions related to the current agreement that are no longer applicable (e.g., the excellence in architecture required for the initial construction of MSSD).

This section also requires the University to annually provide to the Congress and the Department a report describing the operation and national mission activities of the elementary and secondary education programs, including any additional information as the Secretary may require.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

Section 121 of the bill requires the Secretary and the institution of higher education with which the Secretary has an agreement, within one year after the enactment of the bill, to assess the need for modification of the current agreement, and to periodically update the agreement as determined to be necessary by the Secretary or the institution. The intent of this provision is to ensure that the agreement reflects the changing needs for the NTID and the students it serves; that the host institution and the NTID remain accountable for the funds received and the effectiveness of NTID programs; and that the Federal Government maintains an active role in the oversight and progress of this institution.

GENERAL PROVISIONS

Definitions

Section 131 defines the term "international student" as it pertains to enrollment caps and tuition surcharges that apply to them.

Audit

Due to the size of the Federal appropriation to these institutions, the Committee believes that a system of accountability is needed regarding the expenditure of Federal appropriations at Gallaudet and NTID. Section 133 of the bill prohibits the use of Federal funds for five categories of expenditures: alcoholic beverages, goods or services for personal use, housing and personal living expenses (unless required by a written employment agreement), lobbying, and membership in country clubs and social or dining clubs and organizations.

This section also requires the University and the NTID to develop policies, to be applied uniformly to all personnel and programs, regarding the allowability and reasonableness of expenditures for each institution. The policies must include the following eight cost categories: noninstitutional professional activities, fringe benefits, interest on loans, rental of buildings and equipment, sabbatical leave, severance pay, travel, and royalties and other expenditures for the use of patents. The Committee expects the institutions to be guided in developing these policies by the principles established by the Office of Management and Budget for educational institutions in Circular A-21. The institutions must develop their policies no later than 180 days after the date of enactment of this legislation and submit them to the Secretary of Education for review and comment, and to the Congress. The Committee expects that compliance with these provisions will be reviewed as part of the annual audit.

Reports

Section 134 requires that the following additional information be submitted in the annual report: data on student outcomes, students and employees who are deaf and from minority backgrounds, the annual audited financial statements (together with the auditor's report), the use of Endowment Program funds, and the status of Endowment Program investments.

The provision to report on certain information regarding students and employees who are deaf and from minority backgrounds is the result of testimony which expressed concern over the low representation of minority deaf individuals among the student and employee population at both institutions. In data provided by the institutions, undergraduate minority deaf student enrollment for the '91-'92 academic year was: 19.4% of an enrollment totaling 1,474 for Gallaudet and 12.5% of an enrollment totaling 1,086 for the NTID.

The Committee views the reporting requirements of this section as a means to monitor the progress of both institutions in enrolling and employing minority deaf individuals.

This section also establishes a uniform due date for the submission of the reports from both institutions. The new time-line will give them more time to develop comprehensive reports.

Monitoring and evaluation

Section 135 of the bill extends the evaluation and monitoring authority of the Secretary to include all levels of education at Gallaudet University (elementary, secondary, preparatory, undergradu-

ate, and graduate). This section also authorizes the Secretary to study preschool, elementary, secondary, and postsecondary education and other related services provided to individuals who are deaf that cut across educational levels and include aspects of rehabilitation, rehabilitation research, and education that have implications for persons who are deaf.

Liaison for educational programs

The responsibilities of the liaison officer are currently limited to activities related to programs funded by the Department. Issues pertinent to the Department's programs are often applicable to other Federal or non-Federal programs. In addition, agencies and organizations such as the National Institute on Deafness and Communicative Disorders, the National Association of the Deaf, the Deafness Research Foundation, and the Alexander Graham Bell Association are actively involved in conducting research and providing services related to persons who are deaf. Section 136 of the bill broadens the scope of the liaison officer's responsibilities to include Departmental coordination with external agencies and organizations involved with deafness and communicative disorders, and the review of research and other activities carried out by Gallaudet University, NTID, other Federal or non-Federal agencies, institutions, and organizations involved with the education or rehabilitation of individuals who are deaf. The purpose will be to determine areas of overlap and opportunities for coordination among such entities.

Federal endowment programs

Section 137 continues authorization for Federal contributions to the Federal endowment programs, designed to increase the financial independence of Gallaudet University and NTID. Currently, Gallaudet and NTID are expected to provide one dollar for each Federal dollar provided under their endowment programs. This section of the bill would change the matching requirements. For any fiscal year in which non-Federal contributions to an institution's Federal endowment fund exceed $1 million, the legislation requires the institutions to contribute $2 from non-Federal funds for each Federal dollar in excess of $1 million. The Committee views this change as an incentive for both the Federal Government and the institutions to increase their contributions beyond the $1 million level.

This section specifies conditions under which the Secretary could authorize expenditure of interest income beyond the 50 percent currently permitted. These specifications are the same as those that apply to Howard University and the Higher Education Act, Title III Challenge Grants.

This section also adds provisions to protect the integrity of endowment program funds by: specifying how Federal endowment funds may be invested; by prohibiting the University and the NTID from assigning, hypothecating, encumbering, or creating a lien on the corpus; and by prohibiting investments in instruments or securities issued by an organization in which an executive officer is a controlling shareholder, director, or owner and limiting the ability

of the institutions to encumber the endowment fund corpus without the specific written authorization of the Secretary.

Both institutions are required (under Section 134, Reports) to annually report on how Federal endowment funds are invested (including changes made during the year), what the gains and losses were (both realized and unrealized), and how any funds (both corpus and income) were used. The Committee will be reviewing this information and scheduling oversight hearings on the Federal endowment programs.

Scholarship program

Many reasons have been stated for increasing the number of minority teachers. As noted by the Commission on the Education of the Deaf and by witnesses at a Subcommittee hearing, first among them is the need to provide more teachers and role models who are members of minority groups.

Section 138 of the bill creates a scholarship program for individuals who are deaf, giving priority to those who are from underrepresented groups, particularly minority individuals who are deaf and who are underrepresented in the teaching profession.

The Committee realizes that the number of minority individuals who are deaf continues to increase and that their needs must be recognized and met. While approximately one-third of deaf students are minorities, less than a tenth of the teachers in deaf education are members of minority groups. The Committee believes that the establishment of a scholarship program will be as successful in recruiting minority deaf individuals for careers in deaf education or special education as the teacher training scholarships have been in recruiting deaf individuals. The Committee intends that when scholarships are awarded under this program priority consideration be given to qualified minority students who are deaf.

International students

Section 139 of the bill limits the enrollment of international students and increases the tuition surcharge for their attendance at Gallaudet University and the NTID.

International students account for an increasing percentage of the student body at Gallaudet and are now being accepted at the NTID. While the presence of these students provides cultural diversity that may benefit the student population as a whole, the Committee shares the concern of COED that a majority of Americans who are deaf and have completed a secondary education are unemployed or seriously underemployed. The Federal resources provided to these institutions should be used to increase the educational opportunities of American students who are deaf. For this reason, Section 139 requires that Gallaudet and the NTID limit their enrollment of international students to approximately 10 percent of the total number of students enrolled in their postsecondary education programs. The Committee uses the term "approximately" in relation to the 10 percent limitation in order to provide the institutions limited flexibility in accommodating fluctuations in total acceptances, admissions, and enrollments that would make it difficult to comply with an exact percentage.

The Committee found that the tuition of international students currently covers only a small portion of the estimated average per student cost of education at the institutions. Given the scarcity of Federal funds for postsecondary programs for Americans who are deaf, the Committee feels it inappropriate to continue to heavily subsidize the education of international students. Data collected by the College Board for the 1991–92 school year indicate that the average percentage surcharge for out-of-State students increased to 167.7 percent at State universities and land grant colleges and 162 percent for all four-year public institutions. Therefore, the Committee believes that gradually increasing the surcharge from 50 percent to 135 percent over four years, beginning in the 1993–94 academic year, will ensure that international students contribute a more appropriate amount towards the cost of their education.

Technical amendments

Section 151 makes various technical and conforming amendments relating to changes in terminology. The terms "deaf individuals", "the deaf", and "deaf children" have been stricken each place they appear and substituted with "individuals who are deaf" or "children who are deaf".

PROVISIONS REGARDING OTHER ACTS

Postsecondary education programs

The Postsecondary Education Program for Individuals with Disabilities began as the Regional Education Programs for Deaf and Other Handicapped Persons with the passage of P.L. 93–380, the 1974 amendments to the Education of the Handicapped Act (EHA). That Act, which authorized the Commissioner of Education to make grants or contracts with institutions of higher education (including junior and community colleges, and vocational and technical institutions) and other appropriate nonprofit educational agencies to provide vocational, technical, postsecondary, or adult education programs for deaf and other handicapped persons. The intent was to stimulate local, State and regional programs. Priority was to be given: (1) to entities that had adapted existing programs in multi-state regions or large population centers, and (2) areas where there was clearly a demonstrated need for such services.

Prior to 1975, there were only a handful of postsecondary programs that were known to serve and make special accommodations for students with hearing impairments. Two major Federally-funded programs were Gallaudent University and the National Technical Institute for the deaf, dedicated to serving students who are deaf. However, there were few programs available to students who were interested in receiving some form of post-high school education and/or training, but whose academic standing did not meet Gallaudet or NTID admission standards. Over the years, there has been a gradual growth in the number of programs that endeavor to provide a comprehensive array of services to meet the individual needs of students with hearing impairments. Currently, approximately 200 post-secondary campuses have been identified as having at least a half-time coordinator of services for students who are deaf.

In the late 1970's four regional centers on deafness were funded: the California State University at Northridge, the Seattle Central Community College, the St. Paul (Minnesota) Technical Institute, and the Delgado Junior College in New Orleans. The 1983 amendments to the EHA (P.L. 98–199) opened the competition, made SEA's eligible to receive grants, and added continuing education to the list of supported activities. As a result, the program at Delgado was replaced with a consortium of nine southeastern community colleges, headquartered at the University of Tennessee.

In its 1988 report, Toward Equality: The Education of the Deaf, the COED stated that limited funding and existing structure of the regional programs prevented them from providing a broad range of educational options and support services. The Commission determined that increased funding for the regional programs would allow them "to provide a wider range of educational choices, * * * [or] enter into cooperative agreements with nearby institutions to do so. The [regional programs] could then provide technical assistance, in-service training, program evaluations, and record keeping and serve as resource centers."

The 1990 amendments to the EHA reflect the Commission's recommendation. Congress increased the funding for the regional programs to enable each to broaden its range of educational options (e.g., vocational and technical training, 2-year junior college, and baccalaureate programs). The Committee also mandated that regional programs provide more outreach, technical assistance, and other services to postsecondary institutions in their region.

Despite the increased funding, the existing projects based on a regional model have not been able to accomplish the diversity of educational programs as intended in the 1990 amendments. For this reason, new models of coordination and service provision are being stipulated. Section 201 of the bill amends section 625(a) of the IDEA, authorizing the Secretary to fund four or more model demonstration programs (either involving one or more States or in high density population areas) to provide a range of postsecondary education options for individuals who are deaf or hard-of-hearing. Priority will be given to consortia or partnerships of various types of higher education institutions. Innovations and applications of technologies for accommodation need to be explored to fill the gaps in geographical areas where there is a scarcity of interpreters. In addition, the needs of students with hearing impairments who can benefit from assistive listening devices must be addressed. Concerns about the lack of accountability moved the Committee to require funded programs to report on student characteristics and outcomes, support services, applications of innovative technology, student costs, and outreach and technical assistance.

The Committee directs the Secretary to ensure that the grantees implement the program as prescribed by this Section. The changes made by these amendments would affect all new and recompeted projects.

Training personnel

According to the Annual Survey of Hearing Impaired Children and Youth by the Center on Assessment and Demographic Studies, there were 47,973 hearing impaired students receiving special edu-

cation in 1990-91. Of this number 13,799 students (29.5%) were identified as having at least one or more additional disabling conditions. Within this group, 4,226 were identified as having learning disabilities (9.1%); 3,695 were identified as mentally retarded (7.9%); 1,949 were identified as behaviorally disordered (4.2%); and 1,773 students (3.8%) were identified as having educationally significant vision impairments. Diseases such as spinal meningitis, rubella, the RH factor, scarlet fever, or trauma not only cause deafness, but frequently result in some degree of damage to the brain, leading to other disabling conditions.

Deaf students with multiple disabilities share the following common characteristics: (1) severely limited communication skills, specifically an inability to send and receive messages; (2) severe language limitations; (3) inadequate social skills; (4) inappropriate behavior patterns; and (5) significant deficits in the performance of independent living skills. These characteristics seriously curtail or prevent their successful participation in regular classrooms for deaf students. Ironically, deaf students with multiple disabilities are inappropriately placed in regular classrooms. These placements create a number of problems having implications for teacher training programs in deafness. The majority of teachers are grossly ill-prepared to work with deaf students with multiple disabilities due to the limited curricula of teacher training programs. This situation is compounded by supervising teachers, principals, and administrators who do not understand the needs of these children. The lack of appropriate training for those involved with teaching deaf students with secondary disabilities places these children at risk of educational failure, and leads to teacher burn out.

Section 202(a) of the bill amends Section 631(a) of the IDEA by adding a new paragraph (8) which authorizes the Secretary to fund not less than four regional model demonstration training projects on deafness and secondary disabilities. These grants may be awarded to institutions of higher education in partnership with local educational agencies, and center schools for students who are deaf. The Committee strongly recommends that priority be given to institutions of higher education which have teacher training programs in deafness. These funded projects would provide preservice and inservice training to teachers, school administrators, other leadership personnel, and related services personnel involved in the education of students who are deaf. The Committee expects that these projects will utilize the existing networks to disseminate findings and materials not only to professionals in the field, but to parents and advocacy organizations as well. The Committee highly recommends that these projects collaborate with the Research and Training Center on Traditionally Underserved Persons Who Are Deaf, located at Northern Illinois University in DeKalb, which focuses on the rehabilitation needs of deaf adults who have been categorized as "lower-achieving" or "lower-functioning". The Committee believes that the collaboration between education and rehabilitation will result in improved outcomes for this population. The Committee strongly recommends that these projects provide stipends or traineeships at the high school and postsecondary education levels for individuals from minority backgrounds who are deaf

and are interested in pursuing careers in educating deaf students with secondary disabilities.

EDUCATIONAL INTERPRETERS

The need for qualified educational interpreters working in regular classroom settings was identified by the COED as well as by witnesses who testified at Subcommittee hearings. This problem was the subject of a national task force which issued its report, Educational Interpreting for Deaf Students, in 1989. The task force reported that during the 1985–86 school year, 12,419 hearing-impaired students were in regular classes; 13,969 were in a combination of regular classes and resource rooms; and 22,978 were in separate classes within regular elementary/secondary schools throughout the United States. Based on this data, the task force estimated that up to 26,000 students could be possible candidates for interpreting services. The task force estimated that approximately 10,000 elementary/secondary level students were provided interpreting services by an estimated 2,200 interpreters working full or part time, concluding that the demand for educational interpreting services currently exceeds the supply.

Traditionally, interpreters have been trained primarily to serve adults in employment, medical, legal and other settings. These "free lance" interpreters do not have the training needed to appropriately work with students in elementary and secondary settings. Knowledge in the areas of child development, educational theory, techniques for assessing communication competencies of deaf children, and the relevant roles and responsibilities of interpreters in elementary and secondary educational settings is sorely lacking. Section 202(b) of the bill further amends Section 631 of the IDEA by creating a new subsection authorizing the Secretary to make grants to institutions of higher education and other appropriate public or private nonprofit agencies or organizations for the purpose of training educational interpreters for elementary and secondary students who are deaf or deaf-blind. The need for such specialized interpreters was identified during the hearing process.

Finally, this section provides for the training or retraining of regular education teachers who work with students who are deaf or deaf-blind in understanding the role of educational interpreters. The report of the National Task Force on Educational Interpreting points out that there must be a balance between the interpreter's responsibility for interpreting and his or her involvement in providing assistance to the classroom teacher.

RESEARCH AND RELATED ACTIVITIES

Section 203 amends Section 641 of the IDEA by adding a new subsection to allow the Secretary to make grants to institutions of higher education, in partnership with other appropriate agencies and organizations such as local educational agencies and center schools for students who are deaf. The grants will be for the following activities: (1) to conduct research in the unique needs of individuals with deafness; (2) to develop and evaluate effective specialized instructional methods, materials, curricula, and technologies for use with such children; and (3) to develop and evaluate assess-

ment techniques, instruments, and strategies used to identify, evaluate, and measure the progress of such children and youth. Each grantee must provide for the involvement of parents, family members, and adult role models in the projects. The Committee intends that the Department require each applicant to describe how parents, family members, and adult role models will be involved in the development and implementation of project activities.

Testimony presented to the Committee recommended that any new research endeavors should include individuals with deafness in various age categories with various combinations of secondary disabilities and having a range of social and language skill levels.

Through testimony, the Committee became aware of the role that technology (such as auditory devices, interactive computer-assisted instruction, and captioning) can play in classroom instruction for students who are deaf or hard-of-hearing. However, much of it is unavailable because of the lack of funding or the lack of information on what is available, or both. The 1992 National Symposium on Educational Applications of Technology for Deaf Students led to the identification of national priorities regarding greater access to, and more effective use of, computers, televisions, and telecommunication systems, together with other media, in the education of deaf students in various settings and at various levels. Other priorities included focus on the training of teachers, administrators, and media specialists in support of these activities. The incorporation of demonstrated uses of various technologies for classroom instruction in these projects would further our knowledge of effective instructional strategies for this population of students.

The Subcommittee will review the National Symposium's forthcoming recommendations when it reauthorizes the Technology-Related Assistance for Individuals with Disabilities Act of 1988.

NEW MODELS FOR MINORITY DEAF EDUCATION

Demographics indicate that the student makeup of America's classrooms is rapidly changing. These changes are reflected in the population of students who are deaf as well. Minority students constitute a significant segment of this population. Deaf children from racial, linguistic, and ethnic minority backgrounds make up almost 36 percent or over one-third of the students surveyed in 1988–89. Of these, African-Americans account for approximately 18 percent; Hispanics, 10 percent; Asian-Americans, 2 percent; and Native-Americans, 1 percent. The achievement levels of deaf minority students, specifically African-American and Hispanics, are below those of deaf white students in three age groups: 8-, 12-, and 16-year olds. What is even more striking is that there is a difference of only three 3 months between the median grade reading level of an 8-year old deaf white student (1.8) and the median grade reading level for a 16-year old deaf Hispanic student (2.1).

It is likely that culturally biased curricula, inappropriate school placement and/or tracking, and lack of understanding of learning style differences, coupled with a lack of awareness about cultural differences, family practices and value systems, have contributed to educational practices that have poorly served minority deaf children and youth.

The inability of schools to adapt to differences in learning styles is a major factor in the miseducation of many African-American students. Deaf minority students may also utilize learning strategies and styles related to differing cultural backgrounds. Outcomes of a research and training project conducted at the Lexington School for the Deaf suggest that a Black deaf person is neither a Black person who is deaf nor a deaf person who is Black, but someone with his/her own persona (i.e., a Black deaf person).

Other research reveals that ethnicity is a significant negative predictor of integration, placement, and exposure to reading content. Students who were members of minority ethnic groups were less likely than White, non-Hispanic students to be placed in integrated settings. It is recognized that the placement of deaf or hearing impaired students in mainstream classes with hearing students may have either negative or positive effects, depending on the individual student. However, this is an experience which is afforded to very few minority students. In addition, students who are members of minority ethnic groups are likely to be exposed to less curriculum content and are likely to be placed at a lower level in school.

When children's needs and backgrounds are poorly understood and when the opportunity to learn is limited, depressed achievement is an expected outcome. Educators of deaf children and youth have been unaware, hesitant, or slow to respond to this problem, often preferring to insist that deafness in some way precludes ethnic, racial minority group membership or status. When this dual cultural identity is recognized, respected, and utilized in both day-to-day educational practices and interpersonal relationships, then the patterns of low achievement by minority deaf students can be reversed.

Helping deaf children become aware of the ethnic and cultural differences between themselves and deaf persons of other ethnic groups, or between themselves and hearing members of their own ethnic group, is an important factor in their education, development and survival. Intent on teaching reading, writing, and communication skills to deaf children, educators and parents have tended to overlook the teaching of, and/or exposure to, cultural and ethnic experiences and values.

It is therefore necessary for professionals to understand the nature of learning from a multi-cultural perspective, in order to formulate appropriate teaching interventions. Research is needed which will investigate the learning styles of deaf multi-cultural children and adolescents in order to develop appropriate teaching strategies. A major effort must be and can be made to develop appropriate materials to teach deaf children ethnic, cultural, religious and racial awareness. It should also be the goal of each school to enhance the learning capacity of deaf children and adolescents through increased awareness and knowledge of their own and other ethnic heritages.

The picture need not be bleak. If we are to meet the challenge of providing effective educational services to children from a wide range of cultural backgrounds a concentrated effort in the areas of personnel training and research is required. Trustees, teachers, administrators and government officials must become aware of multicultural concerns. In addition curricula must be assessed, resources

made available, minority staff recruitment procedures reviewed, parent and home relations analyzed and revamped, and a spirit developed which focuses on the strengths of ethnic and multi-cultural deaf children and their families. Section 211 of the bill provides the leverage to launch this effort.

This section amends Section 202 of the Rehabilitation Act of 1973 by requiring the Secretary to expand the purpose of the Rehabilitation and Training Center on Deafness/Hearing Impairment (located at the University of Arkansas) to include the development of effective models and strategies that have demonstrated new approaches in the provision of education to students who are deaf or hard-of-hearing and from minority backgrounds. These include: identifying new models (especially those that demonstrate a collaborative effort between a non-profit minority organization and a residential school for the deaf), or making improvements in existing models; advancing the use of existing and new models by developing pre-service and in-service training programs; disseminating information on these models; and providing technical assistance to administrators and teachers in regular and special education settings.

OVERSIGHT

No findings or recommendations concerning oversight of the programs amended in this bill have been received by this Committee from the Committee on Government Operations. Findings from the Subcommittee's oversight hearings contributed to consideration of this legislation.

COST ESTIMATE

The Congressional Budget Office has estimated the following costs to the Federal government in implementing this legislation. The Committee concurs in these estimates and adopts them in compliance with clause VII of rule 13. No cost estimates have been received from any other Federal department or agency.

The CBO letter follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 31, 1992.

Hon. WILLIAM FORD,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5483, the Education of the Deaf Act Amendments of 1992, as ordered reported by the Committee on Education and Labor on July 8, 1992.

H.R. 5483 includes an amendment that would expand the current Rehabilitation Services and Disability Research programs. Under the Balanced Budget and Emergency Deficit Control Act of 1985 these programs are considered direct spending. Therefore, the bill would be subject to pay-as-you-go procedures under section 252 of that Act. We have provided an attachment with the estimate required by clause 8 of House Rule XXI.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 5483.
2. Bill title: The Education of the Deaf Act Amendments of 1992.
3. Bill status: As ordered reported from the House Education and Labor Committee, July 8, 1992.
4. Bill purpose: to amend and extend from 1993 through 1997 the authorization for appropriations for Gallaudet University, the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf, and the National Technical Institute for the Deaf, and for other purposes.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1993	1994	1995	1996	1997
Discretionary spending:					
Gallaudet University:					
Estimated authorization level	55	57	58	60	62
Estimated outlays	51	56	58	60	62
Kendall Demonstration Elementary School and the Model Secondary School for the Deaf:					
Estimated authorization level	23	24	25	26	27
Estimated outlays	22	24	25	26	27
Gallaudet endowment:					
Estimated authorization level	1	1	1	1	1
Estimated outlays	1	1	1	1	1
National Technical Institute for the Deaf:					
Estimated authorization level	40	42	43	45	46
Estimated outlays	38	42	43	44	46
National Technical Institute for the Deaf Endowment:					
Estimated authorization level	(1)	(1)	(1)	(1)	(1)
Estimated outlays	(1)	(1)	(1)	(1)	(1)
Scholarships for careers in deaf education:					
Estimated authorization level	2	2	2	2	2
Estimated outlays	2	2	2	2	2
Total Discretionary:					
Estimated authorization level	122	126	130	134	139
Estimated outlays	114	125	130	134	139
Direct spending:					
Vocational Rehabilitation Act:					
Estimated budget authority	(1)	(1)	(1)	(1)	(1)
Estimated outlays	(1)	(1)	(1)	(1)	(1)
Bill total:					
Estimated authorization level	122	126	130	134	139
Estimated outlays	114	125	130	134	139

[1] Less than $500,000

Totals may not add due to rounding.

The costs of this bill fall in Function 500.

Basis of estimate: Programs Requiring Appropriations: H.R. 5483, the Education of the Deaf Act Amendments of 1992, extends at

such sums as may be necessary for 1993 through 1997 the authorization for appropriation for federal contributions to four federally supported schools. These schools are: Gallaudet University in Washington, DC, the Kendall Demonstration Elementary and the Model Secondary School for the Deaf, both of which are operated by Gallaudet University, and the National Technical Institute for the Deaf (NTID) in Rochester, New York. The bill also extends for five years at such sums as may be necessary the authorization for appropriation for federal contributions to the endowment funds of both Gallaudet University and the NTID.

While the bill restructures the authorizing language for these educational institutions, no changes are made that would measurably affect the level of federal funding. Therefore, the estimated authorization levels for 1993 through 1997 for these schools are estimated to be the actual 1992 appropriation levels adjusted each year for projected inflation. Estimated outlays reflect the current program spending patterns.

H.R. 5483 also establishes a new grant program to institutions of higher education for scholarships for careers in deaf education. The bill authorizes $2 million in 1993 and such sums as may be necessary for 1994 through 1997. The five-year cost projection for these scholarships reflect the 1993 authorized level adjusted each year for projected inflation. Estimated outlays reflect the spending pattern of other current-year scholarship programs.

Direct Spending Programs: The statement of managers accompanying the Balanced Budget and Emergency Deficit Control Act of 1985 categorizes the budget account Rehabilitation Services and Disability Research as direct spending—also referred to as mandatory spending. This budget account contains all the programs authorized under the Rehabilitation Act of 1973 (RA). Section 211 of H.R. 5483 amends the RA. Therefore, for purposes of budget scorekeeping, the costs of section 211 would be considered direct spending.

The bill mandates that the current purpose of the Rehabilitation and Training Center on Deafness/Hearing Impairment funded under Title II of the RA be expanded. Under this legislation, the center, located in Little Rock, Arkansas, would become responsible for developing and demonstrating effective strategies for providing education to students who are deaf or hard of hearing and are from minority backgrounds.

The center, funded in 1992 at approximately $650,000, is not now responsible for research in elementary and secondary education issues. Just how the Center would address the new directive cannot be determined at this time. For the purposes of this estimate, it was assumed that the center's costs would increase less than $500,000 each year.

6. Pay-as-you-go considerations: Section 252 of the Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. Provisions in this bill related to changes in the Rehabilitation Services and Disability Research outlays would affect direct spending and therefore would be subject to pay-as-you-go procedures. The costs subject to pay-as-you-go are shown in the following table.

[By fiscal years, in millions of dollars]

	1993	1994	1995
Outlays	(1)	(1)	(1)
Receipts	(2)	(2)	(2)

[1] Less than $500,000
[2] Not applicable

7. Estimated cost to State and local governments: None.
8. Estimate comparison: None.
9. Previous CBO estimate: None.
10. Estimate prepared by: Deborah Kalcevic.
11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE ESTIMATE [1]

The applicable cost estimate of this Act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

[By fiscal years, in millions of dollars]

	1993	1994	1995
Outlays	0	0	0
Receipts	(1)	(1)	(1)

[1] Not applicable.

INFLATIONARY IMPACT

The education and other programs in H.R. 5483 will contribute to productivity and reduce dependence on State and Federal support programs. Thus the bill will have an anti-inflationary impact.

SECTION-BY-SECTION ANALYSIS

Section 1—Short title

TITLE I—AMENDMENTS TO THE EDUCATION OF DEAF ACT OF 1986

Subtitle A—Reorganization of the Act

Section 101—Reorganization

This section, by repealing and redesignating various provisions of the Act, has the effect of consolidating the authorities relating to Gallaudet University and NTID under one title.

[1] An estimate of H.R. 5483, the Education of the Deaf Act Amendments of 1992, as ordered reported by the Committee on Education and Labor on July 8, 1992. This estimate was transmitted by the Congressional Budget Office on July 31, 1992.

Subtitle B—Gallaudet University

Section 111—Board of Trustees

This section makes technical changes to existing law relating to the composition and powers of the Board.

Section 112—Establishment of authority for certain programs

This section amends, in its entirety, part B of Title I of the existing Act to combine the authority for the elementary and secondary education programs (the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf or commonly referred to as the "Precollege" programs) operated by Gallaudet University under a new section 104. Current administrative requirements for both schools would be consolidated to ensure consistent application to both schools. This section makes applicable to Gallaudet University certain provisions of the Individuals With Disabilities Education Act (IDEA) when parents privately place their children at these two schools.

Section 113—Establishment of certain requirements

This section requires that the agreement between the Department of Education and Gallaudet University for the establishment and operation of the Model Secondary School for the Deaf also include the Kendall Demonstration Elementary School. The agreement would cover the operation and national mission activities of both school programs. A new agreement must be completed within 1 year after enactment of these amendments and can be periodically updated as determined necessary by either the Department or the University. Language has been added specifying that it is the authorizing committees of Congress who should be the recipients of the annual report that is currently required.

Subtitle C—National Technical Institute for the Deaf

Section 121—Agreement for NTID

The section requires that the current agreement be assessed for modification within 1 year of enactment of these amendments. It should also be periodically updated as determined necessary by either party. Language had been added specifying that it is authorizing committees of Congress who should be the recipients of the annual report that is currently required.

Subtitle D—General Provisions

Section 131—Definitions

This section adds definitions for the terms "international student", "NTID", and "University".

Section 132—Gifts

This section amends section 402 of the Act by combining provisions that pertain to the receipt of certain gifts by Gallaudet University and NTID.

Section 133—Audit

This section adds a new subsection prohibiting the two institutions from spending any appropriated funds on certain items and requiring both institutions to develop policies on the allowability of expenditures within 6 months of enactment. The cost principles established by the Office of Management and Budget (OMB) for educational institutions are suggested as guidance. These policies must be submitted to the Secretary of Education for review and comment, and also to the appropriate committees of Congress.

Section 134—Reports

This section amends section 404 of the existing Act which has the effect of combining language that requires annual reports from both institutions. The submission date had been changed from October 15 of each year to "not later than 100 days after the end of each fiscal year." Some existing reporting requirements have been expanded while others have been added.

Section 135—Monitoring and evaluation

This section clarifies the responsibility of the Secretary of Education for monitoring and evaluation of all activities relating to the two institutions. It allows the Secretary to conduct studies in the area of deaf education. This section also places an existing reporting provision regarding these activities to the Secretary into this section. Additionally, language authorizing appropriations for these activities has been included.

Section 136—Liaison for educational programs

This section adds to the list of entities the liaison office must interact with such "other Federal and non-Federal agencies, institutions, or organizations involved" in the field of deafness. The duties of the liaison office have been expanded to include reviewing research and other activities in the field of deafness for the purpose of only determining overlap and opportunities for coordination.

Section 137—Federal endowment programs

This section amends the endowment provisions in current law requiring a two-to-one match for amounts in excess of $1 million, thus generating two non-Federal dollars for every Federal dollar at levels over $1 million. Provisions have also been added which set out limitations on the endowment funds. The section specifies exceptional circumstances under which the Secretary may authorize the expenditure of interest income beyond the 50% currently permitted.

Section 138—Scholarship program

This section creates a program for the purpose of providing scholarships to individuals who are deaf or hard-of-hearing for careers in deaf education or special education. Grants would be given to institutions of higher education that have teacher training programs in deaf education or special education. Priority consideration for the scholarships would be given by these institutions to individuals

who are deaf or hard-of-hearing and from under-represented backgrounds, particularly minority individuals.

Section 139—International students

This section adds a new section limiting the international student enrollment to approximately 10% of the total student body at each institution. Also, this section would phase in an increase in the tuition surcharge paid by international students.

Section 140—Authorization of appropriations

This section extends the authorization for Gallaudet University and its two school programs and for NTID for five years and authorizes such sums for each of those years.

Subtitle E—Technical Amendments

Section 151—Technical amendments

This section makes various technical and conforming amendments particularly relating to changes in terminology.

Subtitle F—Effective Dates

Section 161—Effective dates

This section makes the effective date for this title as October 1, 1992.

TITLE II—PROVISIONS REGARDING OTHER ACTS

Subtitle A—Individuals With Disabilities Education Act

Section 201—Postsecondary education

This section amends Section 625(a) of the Individuals with Disabilities Education Act (IDEA) by changing the requirements for model demonstration projects on postsecondary education and deafness. Instead of funding four regional demonstration centers the Secretary would be required to fund four or more applications from consortia or partnerships that either involve one or more States or are in high density population areas which collectively provide a range of postsecondary education options for individuals who are deaf or hard-of-hearing. Activities to be performed are described.

Section 202—Training personnel; education interpreters

This section allows the Secretary to carry out new teacher training projects under section 631(a) of the Individuals with Disabilities Education Act (IDEA) in the area of deafness. This training provision would permit education institutions in partnership with local educational agencies and center schools for students who are deaf to carry out regional model demonstration programs on deafness and secondary disabilities. Types of individuals to whom preservice and inservice training is to be provided is described.

This section additionally would amend Section 631 of IDEA permitting the Secretary to make grants to institutions of higher education and other appropriate non-profit agencies or organizations for the establishment or continuation of educational interpreter training programs to train or retrain personnel to effectively meet

the various communication needs of elementary and secondary students who are deaf and deaf-blind.

Section 203—Research and related activities

This section authorizes new research projects under 641 of the Individuals with Disabilities Education Act. This provision permits the funding of institutions of higher education in partnership with other appropriate agencies and organizations such as local educational agencies and center schools for students who are deaf to perform specific activities related to the unique needs of children who are deaf and each project must provide for the meaningful involvement of parents, family members, and adult role models.

Subtitle B—Rehabilitation Act of 1973

Section 211—Rehabilitation Act of 1973

This section directs the Secretary to expand the purposes of the Rehabilitation and Training Center on Deafness/Hearing Impairments under Section 202 of the Rehabilitation Act of 1973 to include a function to develop and demonstrate effective strategies in the provision of education to students who are deaf or hard of hearing and are from minority backgrounds. It describes specific activities to be performed.

Subtitle C—Effective Dates

Section 221—Effective dates

This section makes the effective date for this title as October 1, 1992.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

EDUCATION OF THE DEAF ACT OF 1986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education of the Deaf Act of 1986".

[TITLE I—GALLAUDET UNIVERSITY

[PART A—GALLAUDET UNIVERSITY GENERAL AUTHORITY]

TITLE I—GALLAUDET UNIVERSITY; NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

PART A—GALLAUDET UNIVERSITY

SEC. 101. CONTINUATION OF GALLAUDET COLLEGE AS GALLAUDET UNIVERSITY.

(a) * * *

(b) PURPOSE.—The purpose of Gallaudet University shall be to provide education and training to *individuals who are* deaf [individuals] and otherwise to further the education of *individuals who are* [the] deaf.

* * * * * * *

SEC. 103. BOARD OF TRUSTEES.

(a) COMPOSITION OF THE BOARD.—(1) Gallaudet University shall be under the direction and control of a Board of Trustees, composed of twenty-one members selected as follows:

(A) * * *

(B) eighteen other members, all of whom shall be elected by the Board of Trustees[, who on the effective date of this Act shall include those individuals serving as nonpublic members of the Board of Trustees of Gallaudet College immediately prior to such date,] and of whom one shall be elected pursuant to regulations of the Board of Trustees, on nomination by the Gallaudet University Alumni Association for a term of three years.

* * * * * * *

(b) POWERS OF THE BOARD.—The Board of Trustees is authorized to—

(1) make such rules, policies, regulations, and bylaws, not inconsistent with the Constitution and laws of the United States, as may be necessary for the good government of Gallaudet University, for the management of the property and funds of such corporation *(including the construction of buildings and other facilities)* and for the admission, instruction, care, and discharge of students;

* * * * * * *

[(6) establish such departments and other units, including a department of higher learning for the deaf, a department of elementary education for the instruction of deaf children, a graduate department, and a research department, as the Board deems necessary to carry out the purpose of Gallaudet University;]

(6) establish such schools, departments, and other units as the Board of Trustees deems necessary to carry out the purpose of Gallaudet University;

* * * * * * *

(8) subject to the provisions of section [403] *203*, control expenditures of all moneys appropriated by Congress for the benefit of Gallaudet University; and

* * * * * * *

SEC. 104. ELEMENTARY AND SECONDARY EDUCATIONAL PROGRAMS.

(a) GENERAL AUTHORITY.—(1) The Board of Trustees of Gallaudet University is authorized, in accordance with the agreement under section 105, to maintain and operate facilities to provide exemplary elementary and secondary education programs for individuals who are deaf to develop, evaluate, and disseminate innovative curricula, instructional techniques and strategies, and materials that can be used in various educational environments serving individuals who are deaf throughout the Nation. The elementary and secondary programs shall serve students with a broad spectrum of needs, including students who are lower achieving academically, who come from non-English speaking homes, who have secondary disabilities, who are members of minority groups, or who are from rural areas. These programs shall include—

(A) the Kendall Demonstration Elementary School, to provide day facilities for elementary education for individuals who are deaf, to provide them with the vocational, independent living, and related services they need to function independently, and to prepare them for high school and other secondary study; and

(B) the Model Secondary School for the Deaf, to provide day and residential facilities for secondary education for individuals who are deaf, to provide them with the vocational, transitional, independent living, and related services they need to function independently and to prepare them for college, other postsecondary opportunities, or the workplace.

(2) The Model Secondary School for the Deaf may provide residential facilities for students enrolled in the school—

(A) who live beyond a reasonable commuting distance from the school; or

(B) for whom such residency is necessary for them to receive a free appropriate public education within the meaning of part B of the Individuals with Disabilities Education Act.

(b) ADMINISTRATIVE REQUIREMENTS.—(1) The elementary and secondary education programs shall—

(A) provide technical assistance and outreach throughout the Nation to meet the training and information needs of parents of infants and children who are deaf;

(B) provide technical assistance and training to personnel for use in teaching (i) students who are deaf in various educational environments, and (ii) students who are deaf with a broad spectrum of needs as described in subsection (a); and

(C) establish and publish priorities for research, development, and demonstration through a process that allows for public input;

(2) To the extent possible, the elementary and secondary education programs shall provide the services required under paragraph (1) in an equitable manner, based on the national distribution of students who are deaf in educational environments as determined by the Sec-

retary for purposes of section 618(b) of the Individuals with Disabilities Education Act. Such educational environments shall include—

(A) regular classes;

(B) resource rooms;

(C) separate classes;

(D) separate, public or private, nonresidential schools; and

(E) separate, public or private, residential schools and homebound or hospital environments.

(3) If a local educational agency, intermediate educational unit, or State educational agency refers a child to, or places a child in, one of the elementary or secondary education programs to meet its obligation to make available a free appropriate public education under part B of the Individuals with Disabilities Education Act, the agency or unit shall be responsible for ensuring that the special education and related services provided to the child by the education program are in accordance with part B of that Act and that the child is provided the rights and procedural safeguards under section 615 of that Act.

(4) If the parents or guardian places a child in one of the elementary or secondary education programs, the University shall—

(A) notify the appropriate local educational agency, intermediate educational unit, or State educational agency of that child's attendance in the programs,

(B) work with local educational agencies, intermediate educational units, and State educational agencies, where appropriate, to ensure a smooth transfer of students to and from those programs; and

(C) provide the child a free appropriate public education in accordance with part B of the Individuals with Disabilities Education Act and procedural safeguards in accordance with the following provisions of section 615 of such Act:

(i) Subparagraphs (A), (C), (D), and (E) of paragraph (1) of subsection (b), and paragraph (2) of such subsection.

(ii) Subsection (d), except the portion of paragraph (4) requiring that findings and decisions be transmitted to a State advisory panel.

(iii) Paragraphs (1) through (3) of subsection (e). Paragraph (3) of such subsection is not applicable to decisions by the University to refuse to admit or to dismiss a child, except that, before dismissing any child, the University shall give at least 60 days notice to the child's parents and to the local educational agency in which the child resides.

(iv) Subsection (f).

SEC. 105. AGREEMENT WITH GALLAUDET UNIVERSITY.

(a) GENERAL AUTHORITY.—The Secretary and Gallaudet University shall establish, within 1 year after enactment of the Education of the Deaf Act Amendments of 1992, a new agreement governing the operation and national mission activities, including construction and provision of equipment, of the elementary and secondary education programs at the University. The Secretary and the University shall periodically update the agreement as determined to be necessary by the Secretary or the University.

(b) PROVISIONS OF AGREEMENT.—The agreement shall—

(1) provide that Federal funds appropriated for the benefit of the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf will be used only for the purposes for which appropriated and in accordance with the applicable provisions of this Act and such agreement;

(2) provide that the University shall make an annual report, to be part of the report required under section 204, to the Secretary on the operations and national mission activities of the elementary and secondary education programs, including such other information as the Secretary may consider necessary;

(3) provide that in the design and construction of any facilities, maximum attention will be given to innovative auditory and visual devices and installations appropriate for the educational functions of such facilities;

(4) provide that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by Federal funds appropriated for the benefit of the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act; and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c); and

(5) include such other conditions as the Secretary or the University considers necessary to carry out the purposes of this part.

[PART B—KENDALL DEMONSTRATION ELEMENTARY SCHOOL

[SEC. 111. AUTHORITY OF GALLAUDET UNIVERSITY.

[(a) GENERAL AUTHORITY.—

[(1) For the purpose of providing day and residential facilities for elementary education for individuals who are deaf in order to prepare them for high school and other secondary study and to provide an exemplary educational program to stimulate the development of similar excellent programs throughout the Nation, the Board of Trustees of Gallaudet University is authorized to maintain and operate Kendall Demonstration Elementary School as a demonstration elementary school for *individuals who are* [the] deaf, to serve primarily residents of the National Capital region.

[(2) The Kendall Demonstration Elementary School shall also—

[(A) provide technical assistance and outreach throughout the Nation to train parents of deaf infants and children in specialized learning skills; and

[(B) develop curricula, instructional techniques, materials, and programs for teaching hearing impaired and deaf students in classroom situations with nonhearing impaired students.

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[(b) RESPONSIBILITY FOR COMPLIANCE WITH INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Where a local educational agency, State educational agency, or intermediate educational unit refers a child to or places a child at the Kendall Demonstration Elementary School, such agency or unit shall be responsible for ensuring that the special education and related services provided to such child is consistent with part B of the Education of the Handicapped Act.

[PART C—MODEL SECONDARY SCHOOL FOR THE DEAF

[SEC. 121. AUTHORITY OF GALLAUDET UNIVERSITY.

[(a) GENERAL AUTHORITY.—For the purpose of providing day and residential facilities for secondary education for individuals who are deaf in order to prepare them for college and other advanced study, and to provide an exemplary secondary school program to stimulate the development of similarly excellent programs throughout the Nation, the Board of Trustees of Gallaudet University is authorized, in accordance with the agreement under section 122, to maintain and operate a model secondary school for the deaf to serve primarily residents of the District of Columbia and of nearby States.

[(b) RESPONSIBILITY FOR COMPLIANCE WITH INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Where a local educational agency, State educational agency, or intermediate educational unit refers a child to or places a child at the model secondary school, such agency or unit shall be responsible for ensuring that the special education and related services provided to such child is consistent with part B of the Individuals with Disabilities Education.

[SEC. 122. AGREEMENT WITH GALLAUDET UNIVERSITY FOR THE MODEL SECONDARY SCHOOL.

[(a) GENERAL AUTHORITY.—The Secretary is authorized to continue an agreement with Gallaudet University for the establishment and operation, including construction and equipment of a model secondary school for the deaf to serve primarily residents of the District of Columbia and of nearby States.

[(b) PROVISIONS OF AGREEMENT.—The agreement shall—

[(1) provide that Federal funds appropriated for the benefit of the model secondary school will be used only for the purposes for which appropriated and in accordance with the applicable provisions of this Act and the agreement made pursuant thereto;

[(2) provide that the University will make an annual report to the Secretary;

[(3) provide that in the design and construction of any facilities, maximum attention will be given to excellence of architecture and design, works of art, and innovative auditory and visual devices and installations appropriate for the educational functions of such facilities;

[(4) provide that the model secondary school will develop curricula, instructional techniques, materials, and programs for teaching hearing impaired and deaf students in classroom situations with nonhearing impaired students;

[(5) include such other conditions as the Secretary considers necessary to carry out the purposes of this part; and

[(6) provide that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by Federal funds appropriated for the benefit of the model secondary school will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act; and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

[(c) SUBMISSION OF REPORT.—The Secretary shall submit the annual report of the University (required under subsection (b)(3)) to the Congress with such comments and recommendations as the Secretary may deem appropriate.

[TITLE II—NATIONAL TECHNICAL INSTITUTE FOR THE DEAF]

PART B—NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

SEC. [201.] *111.* AUTHORITY.

For the purpose of providing a residential facility for postsecondary technical training and education for individuals who are deaf in order to prepare them for successful employment, the institution of higher education with which the Secretary has an agreement under this title is authorized to operate and maintain a National Technical Institute for the Deaf.

SEC. [202.] *112.* AGREEMENT FOR THE INSTITUTE.

(a) GENERAL AUTHORITY.—*(1)* The Secretary is authorized to establish or continue an agreement with an institution of higher education for the establishment and operation, including construction and equipment, of a National Technical Institute for the Deaf. The Secretary, in considering proposals from institutions of higher education to enter into an agreement under this Act, shall give preference to institutions which are located in metropolitan industrial areas.

(2) The Secretary, and the institution of higher education with which the Secretary has an agreement under this section, shall, within 1 year after the enactment of the Education of the Deaf Act Amendments of 1992, assess the need for modification of the agreement. The Secretary and the institution of higher education with which the Secretary has an agreement under this section shall also periodically update the agreement as determined to be necessary by the Secretary or the institution.

(b) PROVISIONS OF AGREEMENT.—The agreement shall—

(1) * * *

(2) provide that the Board of Trustees or other governing body of the institution, subject to the approval of the Secretary, will appoint an advisory group to advise the Director of the Institute in formulating and carrying out the basic policies governing its establishment and operation, which group shall include individuals who are professionally concerned with edu-

cation and technical training at the postsecondary school level, persons who are professionally concerned with activities relating to education and training of *individuals who are* [the] deaf, and members of the public familiar with the need for services provided by the Institute;

(3) provide that the Board of Trustees or other governing body of the institution [will make an annual report together with an accounting of all indirect costs paid to the institution of higher education under the agreement to the Secretary, which the Secretary shall transmit to the Congress] *will prepare and submit to the Secretary an annual report, including an accounting of all indirect costs paid to the institution of higher education under the agreement with the Secretary, which report the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate,* with such comments and recommendations as the Secretary may deem appropriate;

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[TITLE III—COMMISSION ON EDUCATION OF THE DEAF

[SEC. 301. COMMISSION ESTABLISHED.

[(a) ESTABLISHMENT.—There is established a Commission on Education of the Deaf to make a study of the quality of infant and early childhood education programs and of elementary, secondary, postsecondary, adult, and continuing education furnished to deaf individuals.

[(b) COMPOSITION.—(1) The Commission shall be composed of 12 members as follows:

[(A) Three members shall be appointed by the President.

[(B) One member shall be appointed by the Comptroller General of the United States.

[(C) Four of the members shall be appointed by the Speaker of the House of Representatives, with the approval of the Majority Leader and the Minority Leader of the House of Representatives.

[(D) Four of the members shall be appointed by the President pro tempore of the Senate, with the approval of the Majority Leader and the Minority Leader of the Senate.

[(2)(A) Members of the Commission shall be appointed from among individuals who have broad experience and expertise in deafness, program evaluation, education, or rehabilitation, which experience and expertise are directly relevant to the issues to be studied by the Commission.

[(B) The Chairperson shall be appointed jointly by the Speaker of the House of Representatives, with the approval of the Majority Leader and the Minority Leader of the House of Representatives, and the President pro tempore of the Senate, with the approval of the Majority Leader and the Minority Leader of the Senate.

[(3) Members of the Commission may not be employed by or be a consultant to the National Technical Institute for the Deaf or Gallaudet University during their appointment as members of the

Commission and may not have been so employed for a period of one year prior to appointment.

[(4) Of the members appointed by the President under paragraph (1)(A), not less than 1 shall be deaf. Of the members appointed by the Speaker of the House of Representatives under paragraph (1)(C), not less than 2 shall be deaf and not more than 2 may be from the same political party. Of the members appointed by the President pro tempore of the Senate under paragraph (1)(D), not less than 2 shall be deaf and not more than 2 may be from the same political party.

[(5) Any vacancy in the Commission shall be filled in the same manner as the original appointment.

[(6) Members of the Commission shall be appointed not later than 30 days after the date of enactment of this Act.

[SEC. 302. DUTIES OF THE COMMISSION.

[(a) STUDY DESCRIBED.—(1) The Commission shall make a study of—

[(A) the degree to which appropriate postsecondary, adult, and continuing educational opportunities are available to deaf individuals;

[(B) the advisability of expanding the number of federally supported postsecondary regional educational programs which serve the deaf;

[(C) the training and technical assistance needs of infant and early childhood education programs and elementary, secondary, postsecondary, adult, and continuing education programs which serve the deaf;

[(D) the degree to which appropriate elementary and secondary educational opportunities are available to deaf students including (i) the effects of part B of the Individuals with Disabilities Education Act on infant and early childhood education programs and elementary and secondary educational programs for the deaf and (ii) the role played by the model secondary school for the deaf and the Kendall Demonstration Elementary School;

[(E) the role and impact of research, development, dissemination, and outreach activities conducted by Gallaudet University and the National Technical Institute for the Deaf in education of the deaf;

[(F) the degree to which the purposes of part F of the Individuals with Disabilities Education Act (relating to instructional media for the handicapped) are being carried out;

[(G) the problems associated with illiteracy among deaf individuals;

[(H) any other issues which the Commission determines will improve the quality of infant and early education programs and elementary, secondary, postsecondary, adult, and continuing education provided to the deaf; and

[(I) any other recommendations to improve quality or increase cost effectiveness of providing the education of the deaf.

[(2) The study of each issue described in paragraph (1) shall include a description of the findings concerning each such issue to-

gether with recommendations for actions designed to address identified needs.

[(b) REPORTS.—The Commission shall submit to the President and to the Congress such interim reports as it deems advisable, and not later than 18 months after the date of enactment of this Act, a final report of its study and investigation together with such recommendations, including specific proposals for legislation, as the Commission deems advisable.

[(c) TERMINATION.—The Commission shall cease to exist 90 days following the submission of its final report; amended October 30, 1990, P.L. 101-476, sec. 901(a)(2), 104 Stat. 1142.

[SEC. 303. ADMINISTRATIVE PROVISIONS.

[(a) PERSONNEL.—(1) The Commission may appoint such personnel, including a Staff Director, as the Commission deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual so appointed shall be paid in excess of the rate authorized for GS-18 of the General Schedule.

[(2) The Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

[(b) HEARINGS; QUORUM.—(1) The Commission or, with the authorization of the Commission, any committee thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and such places within the United States as the Commission or such committee may deem advisable.

[(2) Six members of the Commission shall constitute a quorum, but a lesser number of two or more may conduct hearings.

[(c) CONSULTATION.—In carrying out its duties under this Act, the Commission shall consult with Gallaudet University, the National Technical Institute for the Deaf, regional postsecondary education programs for the deaf, other programs and agencies serving or representing the interests of deaf people, Federal agencies, representatives of State and local governments, State and local educational agencies, and private organizations to the extent feasible.

[(d) INFORMATION; STATISTICS.—(1) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality (including the General Accounting Office), information, suggestions, estimates, and statistics to carry out the provisions of this title. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson.

[(2) For the purpose of securing necessary data and information the Commission may enter into contracts with universities, research institutions, foundations, and other competent public or private agencies.

[(e) AGENCY COOPERATION.—(1) The heads of all Federal agencies are, to the extent not prohibited by law, directed to cooperate with the Commission in carrying out this title.

[(2) The Commission is authorized to utilize, with their consent, the services, personnel, information, and facilities of other Federal, State, local and private agencies with or without reimbursement.

[SEC. 304. COMPENSATION OF MEMBERS.

[(a) UNITED STATES OFFICER AND EMPLOYEE MEMBERS.—Members of the Commission who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States; but they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

[(b) PUBLIC MEMBERS.—Members of the Commission who are not officers or full-time employees of the United States shall receive compensation at a rate not to exceed the daily equivalent of the pay rate specified for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such members are engaged in the actual performance of duties vested in the Commission. In addition, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

[TITLE IV—GENERAL PROVISIONS]

TITLE II—GENERAL PROVISIONS

SEC. [401.] *201.* DEFINITIONS.

As used in this Act—

[(1) The term "Board of Trustees" means (unless the context requires otherwise) the Board of Trustees of Gallaudet University established under section 103.]

(1) The term "international student" means an individual who—

(A) is not a citizen or national of, or lawfully admitted for permanent residence in, the United States;

(B) does not provide evidence from the Immigration and Naturalization Service that he or she is in the United States for other than temporary purposes with the intention of becoming a citizen of, or lawfully admitted for permanent residence in, the United States; or

(C) is not lawfully admitted for permanent residence in American Samoa, Guam, Palau (but only until the Compact of Free Association with Palau takes effect), the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, or the Virgin Islands.

(2) The term "construction" includes construction and initial equipment of new buildings, and expansion, remodeling, and alteration of existing buildings and equipment [thereof]

therein, including architect's services, but excluding off-site improvements.

(3) The term "elementary school" means a school which provides education for *children who are* deaf *or hard-of-hearing* [children] from the age of onset of deafness to age fifteen, inclusive, but not beyond the eighth grade or its equivalent.

[(4) The term "Institute" means the National Technical Institute for the Deaf.

[(5)] *(4)* The term "institution of higher education" means an educational institution in any State which (A) admits as regular students only individuals having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate[,]; (B) is legally authorized within such State to provide a program of education beyond secondary education[,]; (C) provides an educational program for which it awards a bachelor's degree[,]; (D) includes one or more professional or graduate schools[,]; (E) is a public or nonprofit private institution[,]; and (F) is accredited by a nationally recognized accrediting agency or association. For the purpose of [clause] *subparagraph* (F), the Secretary shall publish a list of nationally recognized accrediting agencies or associations which the Secretary determines to be reliable authority as to the quality of training offered.

[(6)] *(5)* The term "secondary school" means a school which provides education in grades nine through twelve, inclusive.

[(7)] *(6)* The term "Secretary" means the Secretary of Education.

[(8)] *(7)* The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, [the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.] *the Commonwealth of the Northern Mariana Islands, and Palau (but only until the Compact of Free Association with Palau takes effect).*

(8) The term "NTID" means the National Technical Institute for the Deaf.

(9) The term "University" means Gallaudet University.

[SEC. 402. GIFTS.

[(a) GALLAUDET UNIVERSITY.—Gallaudet University is authorized to receive by gift, devise, bequest, purchase, or otherwise, property, both real and personal, for the use of Gallaudet University, or for the use of any of its departments or other units as may be designated in the conveyance or will, and to hold, invest, use, or dispose of such property for the purpose stated in the conveyance or will.

[(b) NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.—The National Technical Institute for the Deaf is authorized to receive by gift, devise, bequest, purchase, or otherwise, property, both real and personal, for the use of the Institute, or for the use of any of its programs as may be designated in the conveyance or will, and to hold, invest, use, or dispose of such property for the purpose stated in the conveyance or will.]

SEC. 202. GIFTS.

The University and NTID are authorized to receive by gift, devise, bequest, purchase, or otherwise, property, both real and personal, for the use of the University or NTID, or for the use, as appropriate, for any programs, departments, or other units as may be designated in the conveyance or will, and to hold, invest, use, or dispose of such property for the purpose stated in the conveyance or will.

SEC. [403.] *203.* AUDIT.

(a) * * *

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(c) LIMITATIONS REGARDING EXPENDITURE OF FUNDS.—

(1) IN GENERAL.—No funds appropriated under this Act for Gallaudet University, including the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf, or for the National Technical Institute for the Deaf may be expended on the following:

(A) Alcoholic beverages.

(B) Goods or services for personal use.

(C) Housing and personal living expenses (but only to the extent such expenses are not required by written employment agreement).

(D) Lobbying.

(E) Membership in country clubs and social or dining clubs and organizations.

(2) POLICIES.—

(A) Not later than 180 days after the date of the enactment of the Education of the Deaf Act Amendments of 1992, the University and NTID shall develop policies, to be applied uniformly, for the allowability of expenditures for each institution. These policies should reflect the unique nature of these institutions. The principles established by the Office of Management and Budget for costs of educational institutions may be used as guidance in developing these policies. General principles relating to allowability and reasonableness of all costs associated with the operations of the institutions shall be addressed. These policies shall be submitted to the Secretary for review and comments, and to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(B) Policies under subparagraph (A) shall include the following:

(i) Noninstitutional professional activities.

(ii) Fringe benefits.

(iii) Interest on loans.

(iv) Rental cost of buildings and equipment.

(v) Sabbatical leave.

(vi) Severance pay.

(vii) Travel.

(viii) Royalties and other costs for uses of patents.

[SEC. 404. REPORTS.

[(a) GALLAUDET UNIVERSITY.—Not later than October 15 of each year, the Board of Trustees of Gallaudet University shall prepare and submit an annual report to the Secretary on the condition of the University, including—

[(1) the number of students of each description received and discharged during the preceding school year and the number remaining;

[(2) the branches and type of training and education taught and progress made therein;

[(3) a statement showing the receipts of said corporation and from what sources; and

[(4) its expenditures and for what objects.

[(b) NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.—The Board of Trustees or other governing body of the institution of higher education with which the Secretary has an agreement under section 202 shall prepare and transmit to the Secretary a report on the activities of the Institute, pursuant to the agreement under section 202(b)(3).

[(c) MONITORING AND EVALUATION REPORT.—The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of the monitoring and evaluation activities pursuant to section 405, together with such recommendations, including recommendations for legislation, as the Secretary deems necessary.

[SEC. 405. MONITORING AND EVALUATION ACTIVITIES.

[The Secretary shall conduct monitoring and evaluation activities of the education programs and activities and the administrative operations of Gallaudet University and of the National Technical Institute for the Deaf. In carrying out the responsibilities described in this section, the Secretary is authorized to employ such consultants as may be necessary pursuant to the provisions of section 3109 of title 5, United States Code.]

SEC. 204. REPORTS.

The Board of Trustees of Gallaudet University and the Board of Trustees or other governing body of the institution of higher education with which the Secretary has an agreement under section 112 shall prepare and submit an annual report to the Secretary, and to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, not later than 100 days after the end of each fiscal year, which shall include the following:

(1) The number of students during the preceding academic year who enrolled and whether these were first time enrollments, who graduated, who found employment, or who left without completing a program of study, reported under each of the programs of the University (elementary, secondary, preparatory, undergraduate, and graduate) and of NTID.

(2) For the preceding academic year, and to the extent possible, the following data on individuals who are deaf and from minority backgrounds and who are students (at all educational levels) or employees:

(A) The number of students enrolled full and part-time.

(B) The number of these students who completed or graduated from each of the educational programs.

(C) The disposition of these students upon graduation/completion of programs at NTID and at the University and its elementary and secondary schools in comparison to students from non-minority backgrounds.

(D) The number of students needing and receiving support services (such as tutoring and counseling) at all educational levels.

(E) The number of recruitment activities by type and location for all educational levels.

(F) Employment openings/vacancies and grade level/type of job and number of these individuals that applied and that were hired.

(G) Strategies (such as parent groups and training classes in the development of Individualized Education Programs) used by the elementary and secondary programs and the extension centers to reach and actively involve minority parents in the educational programs of their children who are deaf and the number of parents who have been served as a result of these activities.

(3) The annual audited financial statements of the University and NTID, respectively, together with the auditor's report.

(4) For the preceding fiscal year, a statement showing the receipts of the University and NTID and from what Federal sources, and a statement showing the expenditures of each institution by function, activity, and administrative and academic unit.

(5) A statement showing the use of funds (both corpus and income) provided by the Federal Endowment Program under section 207.

(6) A statement showing how such Endowment Program is invested, what the gains or losses (both realized and unrealized) on such investments were for the most recent fiscal year, and what changes were made in investments during that year.

(7) Such additional information as the Secretary may consider necessary.

SEC. 205. MONITORING AND EVALUATION.

(a) ACTIVITIES.—The Secretary shall conduct monitoring and evaluation activities of the education programs and activities and the administrative operations of the University (including the elementary, secondary, preparatory, undergraduate, and graduate programs) and of NTID. The Secretary may also conduct studies related to the provision of preschool, elementary, secondary, and postsecondary education and other related services to individuals who are deaf. In carrying out the responsibilities described in this section, the Secretary is authorized to employ such consultants as may be necessary pursuant to the provisions of section 3109 of title 5, United States Code.

(b) REPORT.—The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of the monitoring and evaluation activities pursuant to subsection (a), together with such recommendations,

including recommendations for legislation, as the Secretary may consider necessary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, 1996, and 1997 to carry out the monitoring and evaluation activities authorized under this section.

SEC. [406.] *206.* LIAISON FOR EDUCATIONAL PROGRAMS FOR [THE DEAF] *INDIVIDUALS WHO ARE DEAF.*

(a) DESIGNATION OF LIAISON.—Not later than 30 days after the date of enactment of this Act, the Secretary shall designate an individual in the Office of Special Education and Rehabilitative Services of the Department of Education from among individuals who have experience in the education of *individuals who are* [the] deaf to serve as liaison between the Department and Gallaudet University, the National Technical Institute for the Deaf, and other postsecondary educational programs for *individuals who are* [the] deaf under the Individuals with Disabilities Education Act [and the Rehabilitation Act of 1973.], *the Rehabilitation Act of 1973, and other Federal or non-Federal agencies, institutions, or organizations involved with the education or rehabilitation of individuals who are deaf.*

(b) DUTIES OF LIAISON.—The individual serving as liaison for educational programs for *individuals who are* [the] deaf shall:

(1) provide information to institutions regarding the Department's efforts directly affecting the operation of such programs by such institutions; [and]

(2) review research and other activities carried out by the University, NTID, and other Federal or non-Federal agencies, institutions, or organizations involved with the education or rehabilitation of individuals who are deaf for the purpose of determining overlap and opportunities for coordination among such entities; and

[(2)] *(3)* provide such support and assistance as such institutions may request and the Secretary considers appropriate.

(c) AUTHORITY OF SECRETARY.—Nothing in this section may be construed to affect the authority of the Secretary under this Act or any other Act with respect to Gallaudet University or the National Technical Institute for the Deaf.

[SEC. 407. GALLAUDET UNIVERSITY FEDERAL ENDOWMENT PROGRAM.

[(a) ESTABLISHMENT OF FEDERAL ENDOWMENT PROGRAM.—The Secretary and the Board of Directors of Gallaudet University are authorized to establish the Gallaudet University Federal Endowment Fund (in this section referred to as the "endowment fund") in accordance with the provisions of this section, to promote the financial independence of Gallaudet University. The Secretary and the Board may enter into such agreements as may be necessary to carry out the purposes of this section.

[(b) FEDERAL PAYMENTS.—

[(1) The Secretary shall make payments to the endowment fund from amounts appropriated pursuant to subsection (g) consistent with the provisions of this section.

[(2) Subject to the availability of appropriations, the Secretary shall make payments to the endowment fund in amounts

equal to sums contributed to the fund from non-Federal sources (excluding transfers from other endowment funds of the University).

[(c) INVESTMENTS.—

[(1) The University, in investing the endowment fund corpus and income, shall exercise the judgment and care, under the prevailing circumstances, which a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

[(2) The endowment fund corpus and income shall be invested in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, or other low-risk instruments and securities in which a regulated insurance company may invest under the laws of the District of Columbia. The endowment fund corpus and income may not be invested in real estate.

[(d) WITHDRAWALS AND EXPENDITURES.—

[(1) For a twenty-year period from the date of the enactment of this Act, the University may not make a withdrawal or expenditure from the endowment fund corpus.

[(2)(A) Gallaudet University may withdraw or expend endowment fund income for any expenses necessary to the operation of the University, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research.

[(B) The University may not withdraw or expend endowment fund income for any commercial purpose.

[(3)(A) Except as provided in subparagraph (B), the University may not withdraw or expend more than 50 percent of the total accumulated endowment fund income.

[(B) The Secretary may waive the limitation under subparagraph (A), if the Secretary determines that an expenditure or withdrawal is a necessary response to exceptional or uncontrollable circumstance affecting the University.

[(e) RECOVERY OF PAYMENTS.—After notice and an opportunity for a hearing, the Secretary is authorized to recover any Federal payments under this section if Gallaudet University—

[(1) makes a withdrawal or expenditure of endowment fund corpus or income which is not consistent with the provisions of this section;

[(2) fails to comply with the investment standards and limitations under this section; or

[(3) fails to account properly to the Secretary concerning the investment of or expenditures from the endowment fund corpus or income.

[(f) DEFINITIONS.—For the purposes of this section the following terms have the following meanings:

[(1) The term "endowment fund" means a fund, or a tax-exempt foundation, established and maintained by Gallaudet University for the purpose of generating income for the support of the University.

[(2) The term "endowment fund corpus" means an amount equal to the Federal payments to the endowment fund and amounts contributed to the fund from non-Federal sources.

[(3) The term "endowment fund income" means an amount equal to the total market value of the endowment fund minus the endowment fund corpus.

[(4) The term "Secretary" means the Secretary of Education.

[(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary for each of the fiscal years 1987, 1988, 1989, 1990, and 1991. Such sums shall remain available until expended.

[SEC. 408. NATIONAL TECHNICAL INSTITUTE FOR THE DEAF ENDOWMENT PROGRAM.

[(a) ESTABLISHMENT OF FEDERAL ENDOWMENT PROGRAM.—The Secretary and the Board of Directors of the National Technical Institute for the Deaf are authorized to establish the National Technical Institute for the Deaf Federal Endowment Fund (in this section referred to as the "endowment fund") in accordance with the provisions of this section, to promote the financial independence of the National Technical Institute for the Deaf. The Secretary and the Board may enter into such agreements as may be necessary to carry out the purposes of this section.

[(b) FEDERAL PAYMENTS.—

[(1) The Secretary shall make payments to the endowment fund from amounts appropriated pursuant to subsection (g) consistent with the provisions of this section.

[(2) Subject to the availability of appropriations, the Secretary shall make payments to the endowment fund in amounts equal to sums contributed to the fund from non-Federal sources (excluding transfers from other endowment funds of the Institute).

[(c) INVESTMENTS.—

[(1) The Institute, in investing the endowment fund corpus and income, shall exercise the judgment and care, under the prevailing circumstances, which a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

[(2) The endowment fund corpus and income shall be invested in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, or other low-risk instruments and securities in which a regulated insurance company may invest under the laws of the District of Columbia. The endowment fund corpus and income may not be invested in real estate.

[(d) WITHDRAWALS AND EXPENDITURES.—

[(1) For a twenty-year period from the date of the enactment of this Act, the Institute may not make a withdrawal or expenditure from the endowment fund corpus.

[(2)(A) The National Technical Institute for the Deaf may withdraw or expend endowment fund income for any expenses

necessary to the operation of the Institute, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research.

[(B) The Institute may not withdraw or expend endowment fund income for any commercial purpose.

[(3)(A) Except as provided in subparagraph (B), the Institute may not withdraw or expend more than 50 percent of the total accumulated endowment fund income.

[(B) The Secretary may waive the limitation under subparagraph (A), if the Secretary determines that an expenditure or withdrawal is a necessary response to exceptional or uncontrollable circumstances affecting the Institute.

[(e) RECOVERY OF PAYMENTS.—After notice and an opportunity for a hearing, the Secretary is authorized to recover any Federal payments under this section if the National Technical Institute for the Deaf—

[(1) makes a withdrawal or expenditure of endowment fund corpus or income which is not consistent with the provisions of this section;

[(2) fails to comply with the investment standards and limitations under this section; or

[(3) fails to account properly to the Secretary concerning the investment of or expenditures from the endowment fund corpus or income.

[(f) DEFINITIONS.—For the purposes of this section the following terms have the following meanings:

[(1) The term "endowment fund" means a fund, or a tax-exempt foundation, established and maintained by the National Technical Institute for the Deaf for the purpose of generating income for the support of the institute.

[(2) The term "endowment fund corpus" means an amount equal to the Federal payments to the endowment fund and amounts contributed to the fund from non-Federal sources.

[(3) The term "endowment fund income" means an amount equal to the total market value of the endowment fund minus the endowment fund corpus.

[(4) The term "Secretary" means the Secretary of Education.

[(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary for each of the fiscal years 1987, 1988, 1989, 1990, and 1991. Such sums shall remain available until expended.]

SEC. 207. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

(a) ESTABLISHMENT OF PROGRAMS.—

(1) The Secretary and the Board of Trustees of Gallaudet University are authorized to establish the Gallaudet University Federal Endowment Fund, in accordance with this section, for the purpose of promoting the financial independence of the University. The Secretary and the Board of Trustees may enter into

such agreements as may be necessary to carry out the purposes of this section with respect to the University.

(2) The Secretary and the Board of Trustees or other governing body of the institution of higher education with which the Secretary has an agreement under section 112 are authorized to establish the National Technical Institute for the Deaf Federal Endowment Fund in accordance with the provisions of this section for the purpose of promoting the financial independence of NTID. The Secretary and the Board or other governing body may enter into such agreements as may be necessary to carry out the purposes of this section with respect to NTID.

(b) FEDERAL PAYMENTS.—

(1) The Secretary, consistent with this section, shall make payments to each endowment fund from amounts appropriated under subsection (g) for the fund involved.

(2) Subject to the availability of appropriations and the non-Federal matching requirements of paragraph (3), the Secretary shall make payments to each endowment fund in amounts equal to sums contributed to the fund from non-Federal sources (excluding transfers from other endowment funds of the institution involved).

(3) Effective for fiscal year 1993 and each succeeding fiscal year, for any fiscal year in which the sums contributed to an endowment fund from non-Federal sources exceed $1,000,000, the non-Federal contribution to the endowment fund shall be $2 for each Federal dollar provided in excess of $1,000,000 (excluding transfers from other endowment funds of the institution involved).

(c) INVESTMENTS.—

(1) The University and NTID, respectively, in investing the corpus and income of its endowment fund, shall exercise the judgment and care, under the prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

(2) The corpus and income of each endowment fund shall be invested in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, or other low-risk instruments and securities in which a regulated insurance company may invest under the laws of the District of Columbia. The corpus and income of an endowment fund may not be invested in real estate.

(3) Neither the University nor NTID may invest the corpus or income of its endowment fund in instruments or securities issued by an organization in which an executive officer is a controlling shareholder, director, or owner within the meaning of Federal securities laws and other applicable laws. Neither the University nor NTID may assign, hypothecate, encumber, or create a lien on the endowment fund corpus without specific written authorization of the Secretary.

(d) WITHDRAWALS AND EXPENDITURES.—

(1) For the twenty-year period beginning on August 4, 1986, neither the University nor NTID may withdraw or expend any of the corpus of its endowment fund.

(2)(A) The University and NTID, respectively, may withdraw or expend the income of its endowment fund for any expenses necessary to the operation of the University or NTID, respectively, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research.

(B) Neither the University nor NTID may withdraw or expend the income of its endowment fund for any commercial purpose.

(3)(A) Except as provided in subparagraph (B), neither the University nor NTID may, in the aggregate, withdraw or expend more than 50 percent of the total aggregate income of its endowment fund income earned prior to the time of withdrawal or expenditure.

(B) The Secretary may permit the University or NTID, as the case may be, to withdraw or expend more than 50 percent of the total aggregate income of its endowment fund whenever the institution involved demonstrates that such withdrawal or expenditure is necessary because of—

(i) a financial emergency, such as a pending insolvency or temporary liquidity problem;

(ii) a life-threatening situation occasioned by natural disaster or arson; or

(iii) another unusual occurrence or exigent circumstance.

(e) RECOVERY OF PAYMENTS.—After notice and an opportunity for a hearing, the Secretary is authorized to recover any Federal payments under this section if the University or NTID, as the case may be—

(1) makes a withdrawal or expenditure of the corpus or income of its endowment fund that is not consistent with this section;

(2) fails to comply with the investment standards and limitations under this section; or

(3) fails to account properly to the Secretary concerning the investment of or expenditures from the endowment fund corpus or income.

(f) DEFINITIONS.—As used in this section:

(1) The term "endowment fund" means a fund, or a tax-exempt foundation, established and maintained pursuant to this section by the University or NTID, as the case may be, for the purpose of generating income for the support of the institution involved.

(2) The term "corpus", with respect to an endowment fund, means an amount equal to the Federal payments to the endowment fund and amounts contributed to the fund from non-Federal sources.

(3) The term "income", with respect to an endowment fund, means an amount equal to the total market value of the endowment fund minus the corpus of the endowment fund.

(4) The term "institution involved" means the University or NTID, as the case may be.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) In the case of the University, there are authorized to be appropriated for the purposes of this section such sums as may be necessary for each of the fiscal years 1993 through 1997.

(2) In the case of NTID, there are authorized to be appropriated for the purposes of this section such sums as may be necessary for each of the fiscal years 1993 through 1997.

(3) Amounts appropriated under paragraph (1) or (2) shall remain available until expended.

SEC. 208. SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—The Secretary may make grants to institutions of higher education that have teacher training programs in deaf education or special education for the purpose of providing scholarships to individuals who are deaf for careers in deaf education or special education. Such institutions shall give priority consideration in the selection of qualified recipients of the scholarships to individuals from underrepresented backgrounds, particularly minority individuals who are deaf and who are underrepresented in the teaching profession. Grants may be used by institutions to assist in covering the cost of courses of training or study for such individuals and for establishing and maintaining fellowships or traineeships with stipends and allowances as may be determined by the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $2,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997.

SEC. [409.] *209.* OVERSIGHT AND EFFECT OF AGREEMENTS.

(a) OVERSIGHT ACTIVITIES.—Nothing in this Act shall be construed to diminish the oversight activities of the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives with respect to any agreement entered into between the Secretary of Education and Gallaudet University, and the institution of higher education with which the Secretary has an agreement under title II.

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[SEC. 410. REPEALS.

[(a) GALLAUDET COLLEGE.—The Act entitled "An Act to amend the charter of the Columbia Institution for the Deaf, change its name, define its corporate powers, and provide for its organization and administration, and for other purposes", approved June 18, 1954, is repealed.

[(b) KENDALL DEMONSTRATION ELEMENTARY SCHOOL.—The Act entitled "An Act to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes", approved December 24, 1970, is repealed.

[(c) MODEL SECONDARY SCHOOL FOR THE DEAF.—The Model Secondary School for the Deaf Act is repealed.

[(d) NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.—The National Technical Institute for the Deaf Act is repealed.]

SEC. 210. INTERNATIONAL STUDENTS.

(a) ENROLLMENT.—Effective with new admissions for academic year 1993-1994 and each succeeding academic year, the University (including preparatory, undergraduate, and graduate students) and NTID shall limit the enrollment of international students to approximately 10 percent of the total postsecondary student population enrolled respectively at the University or NTID.

(b) TUITION SURCHARGE.—Effective with new admissions, the tuition for postsecondary international students enrolled in the University (including preparatory, undergraduate, and graduate students) or NTID shall include a surcharge of 71 percent for academic year 1993-1994, 92 percent for academic year 1994-1995, 113 percent for academic year 1995-1996, and 135 percent for academic year 1996-1997.

SEC. [411.] *211.* AUTHORIZATION OF APPROPRIATIONS.

(a) GALLAUDET UNIVERSITY.—There are authorized to be appropriated such sums as may be necessary for each of the [fiscal years 1987, 1988, 1989, 1990, and 1991] *fiscal years 1993 through 1997* to carry out the provisions of this Act, relating to—

(A) Gallaudet University,

(B) [part B of title I, relating to] Kendall Demonstration Elementary School, and

(C) [part C of title I, relating to] the model secondary school for the deaf.

(b) NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.—There are authorized to be appropriated such sums as may be necessary for each of the [fiscal years 1987, 1988, 1989, 1990, and 1991 to carry out the provisions of title II, relating to] *fiscal years 1993 through 1997 to carry out the provisions of this Act relating to* the National Technical Institute for the Deaf.

[(c) COMMISSION ON EDUCATION FOR THE DEAF.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of title III, relating to the Commission on Education of the Deaf. Sums appropriated pursuant to this subsection shall remain available until expended or until the termination of the Commission, whichever first occurs.]

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

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PART C—CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF INDIVIDUALS WITH DISABILITIES

* * * * * * *

POSTSECONDARY EDUCATION

SEC. 625. (a)(1) * * *

(2) In making grants or contracts on a competitive basis under paragraph (1), the Secretary shall give priority consideration [to 4 regional centers for the deaf and] to model programs for individuals with disabling conditions other than deafness—

(A) * * *

* * * * * * *

(3)(A) In making grants or contracts on a competitive basis under paragraph (1), the Secretary shall give priority consideration to funding 4 or more applications from consortia or partnerships of the types of entities described in paragraph (1) for the purpose of creating model demonstration programs either involving one or more States or in high density population areas, each of which provides a range of postsecondary education options for individuals who are deaf or hard-of-hearing. Such funds shall be used—

(i) to replicate existing models or to develop new models at the local, state, and regional levels;

(ii) to supplement support services of such programs;

(iii) to utilize new instructional technology; and

(iv) to coordinate the provision of postsecondary education options with existing public and private community services that may address the educational, employment, remedial, transitional, and independent living skills needs of these individuals.

(B) To meet these requirements applications shall—

(i) describe the participating entities of the consortia, the criteria for selection of consortia members, and the range of educational options that will be provided;

(ii) describe the supplemental support services that will be provided such as interpreters, notetakers, career placement counseling, speech and audiology;

(iii) describe the outreach and technical assistance process to other institutions of higher education in the region or area to inform and assist such institutions in the establishment or addition of support services;

(iv) describe an evaluation process for project activities;

(v) describe training materials such as special curricula that will be used in outreach and technical assistance activities, and dissemination mechanisms;

(vi) describe methods for using public and private community resources to address the educational, remedial, employment, transitional, and independent living skills needs of the population to be served;

(vii) describe approaches for applying innovative technology that may be used for instructional or training purposes; and

(viii) describe other current sources of financial support.

(C) Projects funded under this paragraph shall report to the Secretary, at a minimum, the following:

(i) The number of students by age, gender, racial or ethnic status enrolled part-time and full-time by participating institutions and by type of program.

(ii) Number of hours and type of support services received, and the Federal cost per service per student along with total cost.

(iii) Student outcomes, including number of students graduating, completing programs, dropping out (and reasons why), and placed into employment at graduation or when leaving school, and the number who pursued further education or training.

(iv) The number of students from various educational settings.

(v) Results and findings from applications of innovative technology.

(vi) Costs per student (reflecting Federal and non-Federal contributions).

(vii) Outreach and technical assistance provided to other institutions of higher education in the region.

[(3)] *(4)* Persons operating programs for persons with disabilities under a grant or contract under paragraph (1) must coordinate their efforts with and disseminate information about their activities to the clearinghouse on postsecondary programs established under section 633(b).

[(4)] *(5)* At least one year before the termination of a grant or contract with any of the 4 regional centers for the deaf, the Secretary shall publish in the Federal Register a notice of intent to accept applications for such grant or contract, contingent on the appropriation of sufficient funds by Congress.

[(5)] *(6)* To the extent feasible, programs authorized by paragraph (1) shall be geographically dispersed throughout the Nation in urban and rural areas.

[(6)] *(7)* Of the sums made available for programs under paragraph (1), not less than $4,000,000 shall first be available [for the 4 regional centers for the deaf] *for the projects serving individuals who are deaf or hard-of-hearing under paragraph (3) and for any amount appropriated over this sum for these projects, funding shall be allocated for new projects under paragraph (3).*

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PART D—TRAINING PERSONNEL FOR THE EDUCATION OF INDIVIDUALS WITH DISABILITIES

GRANTS FOR PERSONNEL TRAINING

SEC. 631. (a)(1) * * *

* * * * * * *

(8)(A) In making grants under paragraph (1), the Secretary may make grants through a separate competition to institutions of higher education, in partnership with local educational agencies and center schools for students who are deaf, to carry out not less than 4 regional model demonstration training programs on deafness and secondary disabilities.

(B) Such programs shall provide preservice and inservice training to teachers and school administrators, and leadership personnel, in the education of students who are deaf and to related services personnel.

(b)(1) The Secretary may make grants to institutions of higher education, and other appropriate nonprofit agencies or organizations for the establishment or continuation of educational interpreter training programs to train personnel to effectively meet the various communication needs of elementary and secondary students who are deaf or deaf-blind. To the extent feasible, grants shall be geographically dispersed throughout the Nation in urban and rural areas.

(2) The Secretary may make a grant under paragraph (1) only if the applicant for the grant provides an assurance that all interpreters receiving training under the grant will be provided training designed to develop skills necessary for facilitating effective communication for students who are deaf or deaf-blind.

(3) In making grants under paragraph (1), the Secretary may provide for the training or retraining (including short-term and in-service training) of regular education teachers who are involved in providing instruction to individuals who are deaf, but who are not certified as teachers of such individuals, and other personnel who work with such individuals, in the role of educational interpreters.

[(b)] *(c)* The Secretary may make grants to institutions of higher education, State agencies, and other appropriate nonprofit agencies and organizations to develop and demonstrate effective ways for preservice training programs to prepare regular educators to work with children and youth with disabilities and their families; for training teachers to work in community and school settings with school students with disabilities and their families; for inservice and preservice training of personnel to work with infants, toddlers, children, and youth with disabilities and their families; for inservice and preservice training of personnel to work with minority infants, toddlers, children, and youth with disabilities and their families; for preservice and inservice training of special education and related services personnel in the use of assistive and instructional technology to benefit infants, toddlers, children, and youth with disabilities; and for the recruitment and retention of special education, related services, and early intervention personnel. Both preservice and inservice training shall include a component that addresses the coordination among all service providers, including regular educators.

[(c)] *(d)(1)* The Secretary shall fund up to 5 grants to States or entities to support the formation of consortia or partnerships of public and private entities for the purpose of providing opportunities for career advancement and/or competency-based training, including but not limited to, certificate or degree granting programs in special education, related services, and early intervention for current workers at public and private agencies that provide services to infants, toddlers, children, and youth with disabilities. Recipients shall meet the requirements of section 610(g) for the dissemination of information. The purposes for which such a grant may be expended include, but are not limited to, the following:

(A) * * *

* * * * * * * *

[(d)] *(e)(1)* The Secretary may make grants through a separate competition to private nonprofit organizations for the purpose of providing training and information to parents of infants, toddlers, children, and youth with disabilities and persons who work with parents to enable such individuals to participate more effectively with professionals in meeting the educational needs of children with disabilities. Such grants shall be designed to meet the unique training and information needs of parents of infants, toddlers, children, and youth with disabilities living in the area to be served by

the grant, particularly those who are members of groups that have been traditionally underrepresented.

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PART E—RESEARCH IN THE EDUCATION OF HANDICAPPED INDIVIDUALS

RESEARCH AND RELATED ACTIVITIES

SEC. 641. (a) * * *

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(h)(1) The Secretary may make grants to institutions of higher education, in partnership with other appropriate agencies and organizations such as local educational agencies and center schools for students who are deaf, to—

(A) conduct research in the unique needs of children and youth, including minority children and youth, with disabilities;

(B) develop and evaluate specialized instructional methods, materials, curricula, and technologies for use with such children and youth; and

(C) develop and evaluate assessment techniques, instruments, and strategies used to identify, evaluate, and measure the progress of such children and youth.

(2) Each grantee under this subsection shall provide for the meaningful involvement in its project of parents and family members and adult role models.

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